Also, petition of Journeymen Stonecutters' Union, No. 4, of Akron, Ohio, urging the use of the Cleveland sandstone in the Federal building to be erected in Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

Also, petition of Taplin, Rice & Co., Akron, Ohio, urging the policy of protection to American industries in reciprocity concessions—to the Committee on Ways and Means.

Also, petition of J. W. Watrous and 5 others of Ashtabula, Ohio, favoring House bill 5286, providing for the classification of the salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the First National Bank of Warren, Ohio, for the repeal of the internal-revenue tax on bank capital and surplus—to the Committee on Ways and Means.

Also, petition of saloon and hotel keepers of Conneaut, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of James E. Shallenberger, of Piqua, Ohio, in relation to House bill to retire officers in the Regular Army—to the Committee on Military Affairs.

Also, resolutions of Eadie Post, No. 37, of Cuyahoga Falls, Ohio, Grand Army of the Republic, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Hod Carriers' Union No. 8773, of Akron, Ohio, in regard to employees in navy-yards—to the Committee on Naval Affairs.

Also, resolution of the same union for the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DRAPER: Resolutions of a meeting of citizens of New York, in relation to the attitude of the Russian Government toward American citizens entering its territory—to the Committee on Foreign Affairs.

By Mr. ESCH: Resolution of the Israelite Alliance of America, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. FOERDERER: Resolution of Israelite Alliance of America, of New York City, approving the action taken by the House of Representatives as to the attitude of the Russian Government toward American citizens of Jewish birth attempting to enter its territory—to the Committee on Foreign Affairs.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. GOLDFOGLE: Protest of the Wine, Liquor, and Beer Dealers' Association of the State of New York, against the passage of House bill 14019, increasing the liquor license in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of West End Woman's Republican Association; United Garment Workers of America, and Electrical Workers' Union No. 3, of New York, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. GRAFF: Petition of retail druggists of Peoria, Ill., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Engineers and Firemen's Union of Jersey City, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Virginia: Papers to accompany House bill granting an increase of pension to Henrietta V. West—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of Israelite Alliance of America asking relief from Russian hostile action against the Jews—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. MERCER: Papers to accompany House bill No. 15261 granting an increase of pension to Louis Lowry—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: Paper to accompany House bill to correct the military record of Charles H. Vogt—to the Committee on Military Affairs.

Also, resolution of the Louisiana Bar Association in opposition to the adoption of Senate bill 5383, requiring the United States circuit court of appeals for the fifth circuit to hold a session in Atlanta—to the Committee on the Judiciary.

By Mr. MOON: Petition of retail druggists of Chattanooga, Tenn., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of citizens of Montgomery County, Md., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolution of the Israelite Alliance of America approving the action of the House in relation to the religious discrimination against American citizens by Russia—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolutions of the Israelite Alliance of America, urging the United States Government to take steps to secure from Russia a removal of the discrimination against citizens on account of religion—to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Papers to accompany House bill granting an increase of pension to Robert D. Davis—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of the Brotherhood of Locomotive Engineers No. 333, St. Paul, Minn., against the substitute for the Hoar anti-injunction bill—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany war claim of W. P. Lane—to the Committee on War Claims.

By Mr. WILSON: Resolution of Israelite Alliance of America, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. ZENOR: Papers to accompany House bill 13843, granting an increase of pension to O. D. Heald—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *June 28, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

THOMAS WILKINSON.

Mr. BERRY. Yesterday evening, at the request of one of my colleagues in the House, I called up a pension bill. I gave by mistake the wrong number to the clerks, and a bill was passed not intended by me to be considered. I know nothing about the merits of the bill, and I do not know whether the beneficiary desires that the bill shall be passed at this session or not.

Therefore I move to reconsider the votes by which the bill was ordered to a third reading and passed, and ask that it be placed upon the Calendar. It is the bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson.

Mr. PETTUS. I will inquire what the bill is about.

Mr. BERRY. It is a pension bill, and there was a mistake in the number. I know nothing about the bill. I do not know whether it is a meritorious bill or not. I do not know whether the beneficiary of the bill desires to have it passed at this session, for the reason that it is thought by many that bills passed now can not be signed. I do not wish to be responsible for the passage of a bill that I know nothing about, and I therefore move to reconsider the votes by which the bill was ordered to a third reading and passed.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson was read the third time and finally passed may be reconsidered. Is there objection? The Chair hears none. The Chair understands that the bill has not been sent to the House.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. In connection with the subject the Senator from Arkansas has alluded to, I will state that I have been importuned by some Senators and a great many members of the House to have the Pension Calendar cleared. I have said to them all that I felt very sure that if we passed the bills now on the Calendar they would fail of approval. For that reason I have not taken action in that direction. I make the public statement so that members of both Houses may understand the reason why the bills are allowed to remain on the Calendar.

Mr. BERRY. It was because the chairman of the Committee on Pensions had made that statement to me that I preferred to have the bill reconsidered, because I did not wish to have a bill passed where the beneficiary might not desire it.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 14, 15, 16, 17, 27, 28, 33, 36, 37, 71, 74, 75, 76, 77, 78, 79, 84, 95, and 96.

That the House recede from its disagreement to the amendments of the

Senate numbered 1, 3, 4, 5, 7, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 25, 29, 30, 31, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 80, 83, 85, 86, 89, 92, 94, 97, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 118, 119, 121, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, and 135, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$53,777.13;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: After the word "three," in the last line of said amendment, insert the following: "for the procurement of like military stores to replace those so transferred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Governors Island, N. Y.: For continuing the enlargement of Governors Island by construction of wharf, dredging, bulkhead, and filling, to continue available during the fiscal year 1903, $200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 424;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 432;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$447,480;" and in line 5 of the matter inserted by said amendment, after the word "twenty-three," insert the following: ", except the judgment in favor of Samuel S. Cholson and Jonathan Miles, which has been vacated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 425, Part II;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment, after the word "Numbered," insert "430;" and the Senate agree to the same.

On the amendments of the Senate numbered 8, 9, 26, 34, 81, 82, 87, 88, 90, 91, 93, 99, and 116 the committee of conference have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate still further insist upon its amendments not disposed of, and ask for a further conference with the House upon the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

ST. CHARLES COLLEGE, MISSOURI.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, which will be read.

The Secretary read as follows:

WAR DEPARTMENT, *Washington, June 26, 1902.*

SIR: The act of Congress approved May 27, 1902 (Public, No. 124), provides "That the Secretary of War be authorized and directed to cause to be investigated by the Quartermaster's Department the circumstances, character, and extent of the alleged use and occupation by the United States military authorities for Government purposes, during the late war, of the college buildings and grounds of St. Charles College, in St. Charles County, Mo."

As an examination of the records of the War Department fails to show the receipt of any claim in favor of the said St. Charles College, I have the honor to request that all the papers in the case now before Congress be transmitted to this Department, in order that the investigation directed by law may be made.

A similar letter has been addressed to the Speaker of the House of Representatives.

Very respectfully, ELIHU ROOT, *Secretary of War.*

The PRESIDENT OF THE SENATE PRO TEMPORE.

The PRESIDENT pro tempore. The Chair suggests that some Senator offer an order directing the Secretary of the Senate to send to the Secretary of War the papers referred to, if they are within the jurisdiction of the Senate.

Mr. KEAN. I make that motion.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the Secretary of the Senate be instructed to send to the Secretary of War the papers referred to in the communication, if they are within the jurisdiction of the Senate. The Chair hears no objection, and the order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

The message also announced that the House had passed, with amendments, the bill (S. 3896) to amend section 3362 of the Revised Statutes relating to tobacco; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 4450) confirming in the State of South Dakota title to section of land heretofore granted to said State;

A bill (S. 4776) to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors;

A bill (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city;

A bill (H. R. 2641) for the relief of Albion M. Christie;

A bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;

A bill (H. R. 6570) to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps;

A bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903;

A joint resolution (S. R. 103) providing for the binding and distribution of public documents held in the custody of the superintendent of documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing; and

A joint resolution (S. R. 111) limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of sundry citizens of Alaska, praying for the construction of a military road between Valdez and Eagle City, in that Territory; which was referred to the Committee on Territories.

He also presented a petition of the International Association of Machinists, of Spokane, Wash., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. FAIRBANKS presented a memorial of the Chandler & Taylor Company, of Indianapolis, and of the Terre Haute Shovel and Tool Company, of Terre Haute, in the State of Indiana, remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of restraining orders and injunctions in certain cases; which were ordered to lie on the table.

He also presented a petition of Retail Clerks' Local Union No. 10, of Fort Wayne, Ind., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the city council of Michigan City, Ind., praying for the enactment of legislation granting pensions to certain officers and enlisted men in the Life-Saving Service; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of the Grand Army of the Republic, Department of New York, praying for the enactment of legislation giving preference to veterans in the Government service; which was referred to the Committee on Civil Service and Retrenchment.

SALE OF MILK IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I present a paper on the subject of the adulteration of milk and cream in relation to the public health. It is a compilation of documents heretofore printed. Most of it, I think, is stereotyped, and as the cost will be but little, I move that it be printed as a document.

The motion was agreed to.

E. G. RATHBONE.

Mr. TELLER. Mr. President, I hold in my hand a petition from a citizen of the United States who has held an official position in Cuba, who feels aggrieved at the action of the courts of that country, and who appears under the present condition to be without any redress if he has been wronged, as he asserts he has, unless he can have an investigation by Congress. As this is an unusual request and the conditions are unusual, I ask unanimous consent that the petition may be read.

The PRESIDENT pro tempore. The Senator from Colorado presents a petition and asks that it may be read. Is there objection? The Chair hears none, and the Secretary will read the petition.

The Secretary read as follows:

WASHINGTON, D. C., *June 26, 1902.*

To the Congress of the United States:

Your petitioner respectfully represents that he is 53 years of age and a citizen of the United States; that late in the year 1898, as an appointee of the

Post-Office Department of the United States, he went to Cuba in the capacity of director-general of posts of Cuba; that while acting in such capacity in Cuba, and while that country was governed by the United States, he was accused of high crimes and misdemeanors in connection with such office in the year 1900, resulting in his being arrested and put upon trial for such alleged crimes and misdemeanors, which resulted in his conviction and sentence for a term of imprisonment and fine, in April, 1902. Later he was released under a general amnesty act to all American citizens by the Cuban Congress.

Your petitioner respectfully requests the United States Congress to direct that a thorough investigation be made, by a committee of its members or otherwise, into all of his acts and doings in Cuba in connection with the said postal service, to the end that all the facts may be known and the truth established.

Your petitioner bases his petition upon the ground that whenever the Government of the United States assigns one of its citizens to public service in a foreign land, and in the course of the performance of his official duties in that foreign service he is accused of high crimes and misdemeanors, it is the duty of the Government of the United States to see that he has a fair and impartial trial under usual and regular rules of judicial procedure.

He should not be subjected to trial by arbitrary and unusual methods of procedure, contrary alike to the laws of that country and the fundamental principals of justice.

He should not be sentenced to severe and unusual penalties without the right of appeal to the Government of his own country for relief and protection.

Your petitioner further represents that he was improperly tried, unjustly convicted, sentenced to unusual and severe penalties, and as a new trial can not now be had, because of the amnesty by the Cuban Government, which new trial, under uninfluenced conditions, would bring out all the facts, your petitioner submits that as a citizen of the United States he is justly entitled to a full, fair, and impartial investigation by the Congress of his own country.

Your petitioner makes the following statement of the reasons for this application:

The proceedings which led to his conviction were not judicial proceedings, but were special proceedings directed and controlled by a person or persons (or an authority) by whose orders such courts were established and controlled and who in violation of law and established rules of judicial procedure issued orders, instructions, and communications to the courts by whom your petitioner was tried from time to time during the progress of the trial and so influenced and dominated these tribunals as to thwart the purposes of justice and inflict a great wrong upon your petitioner.

Ex parte evidence was admitted to the trial, consisting of ex parte depositions taken in the United States on behalf of the prosecution, at the taking of which neither the petitioner nor his attorneys had opportunity to be present or cross-examine the witnesses, and the trial court refused to summons witnesses in his behalf in violation of Article VI of the "Bill of Rights," amendment to the Constitution of the United States; that his attorneys were not given proper time to prepare the defense, and that evidence vital and material to his defense was withheld, and that the principal witness of the State and practically the sole witness against him was not sworn upon the trial. His testimony was not given under oath. This witness testified as a defendant.

Your petitioner further represents that, under the laws of Cuba, a defendant in a criminal trial is not required to be sworn or put under the sanction of an oath. He can not be punished for perjury if he gives false testimony. This witness was convicted under the same proceedings as your petitioner, and afterwards was pardoned as a "witness for the State in the post-office cases," when in fact he was not declared a witness for the State, as required by law, but was a defendant in the case. This witness took advantage of his position as a defendant to escape liability for perjury if he gave false testimony. He took advantage of his position as a witness for the State to secure a pardon.

In view of these and other reasons your petitioner requests Congress to make a thorough and exhaustive investigation of all his acts in Cuba in connection with the office to which he was assigned under the authority of the United States Government, the methods employed to secure his conviction, to the end that the truth may be discovered, the ends of justice secured, and that your petitioner may be relieved from the unjust aspersions cast upon his character.

And your petitioner will ever pray.

E. G. RATHBONE.

The PRESIDENT pro tempore. What does the Senator from Colorado desire to have done with the petition?

Mr. TELLER. I desire to say just a word.

This petitioner is not now in jeopardy. He was in jeopardy and he would be in jeopardy but for the action of the Cuban Government, for which he is not responsible, in granting a general amnesty. That prevents the petitioner from having a trial, and so he stands before the world as a convicted felon, without any opportunity to have his case reviewed as it would have been provided there had been no amnesty granted. I will say for him that he is not responsible for the amnesty.

Mr. President, this is perhaps a unique question. It is one involving the liberty of a citizen of the United States. With our present relations in other parts of the world, in the Philippine Islands, for instance, this question may arise again, and it seems to me that it is a case which demands the attention of the Senate.

I have presented the petition, first, because I felt that it was the right of every citizen to present a petition of this kind who had been so treated, as he claims to have been, and also because I have known the petitioner for twenty years as a public officer, and because, while not wishing to pass upon the question of his guilt or innocence, I think under the conditions he states there must be a fair presumption, at least, that he has not had the fair trial every citizen is entitled to have everywhere.

I therefore move that the petition may be referred to the Committee on Relations with Cuba, with the instructions to that committee to report what shall be done in this case.

Mr. PLATT of Connecticut. Does the Senator suppose that it would be possible for the committee to report at this session?

Mr. TELLER. No; I had not any idea that there could be anything done now, of course.

Mr. PLATT of Connecticut. Does the Senator desire to have the committee instructed? Will he not be satisfied to have the matter referred to the committee?

Mr. TELLER. I will withdraw that part of my motion. I am quite content to have the committee take it up and do as the committee think best.

The PRESIDENT pro tempore. The petition is referred to the Committee on Relations with Cuba.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 121) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment, reported it with amendments, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 3622) to provide for the payment to the heirs of Darius B. Randall, deceased, for certain improvements relinquished to the United States for the use of the Nez Percé Indians, reported it without amendment, and submitted a report thereon.

MISSOURI RIVER BRIDGE AT PIERRE, S. DAK.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., to report it favorably without amendment.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALUMET RIVER BRIDGES.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15003) to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line, and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township, to report it favorably without amendment. I call the attention of the Senator from Illinois [Mr. MASON] to the report.

Mr. MASON. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. SAPP.

Mr. BURROWS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 10775) for the relief of Charles E. Sapp, to report it without amendment, and I ask for its present consideration.

The PRESIDENT pro tempore. It will be read to the Senate.

Mr. COCKRELL. For information.

The PRESIDENT pro tempore. For information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay Charles E. Sapp, late collector of internal revenue for the fifth district of Kentucky, $200 to reimburse him for special-tax stamps for "worms manufactured," charged to him, which were never received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON MONUMENT ASSOCIATION OF ALEXANDRIA, VA.

Mr. DANIEL. I am instructed by the Committee on Finance, to whom was referred the bill (S. 4546) to provide certain souvenir medals for the benefit of the Washington Monument Association of Alexandria, Va., to report it favorably, without amendment, and I ask unanimous consent of the Senate to put the bill upon its passage.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF USELESS PAPERS.

Mr. COCKRELL, from the Joint Select Committee of the Senate and House on Useless Papers in Executive Departments, submitted the following report, which was agreed to and ordered to be printed, and to be printed in the RECORD:

The joint select committee of the Senate and House of Representatives appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulations therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1898, as follows:

Your joint committee have met and carefully and fully examined the said reports so referred to your committee and the statements of the condition and character of such files and papers therein described, and we find and report that the files and papers described in the report of the Secretary of the Treasury in Senate Document No. 348, Fifty-seventh Congress, first session, dated May 7, 1902, and in the House Documents Nos. 582 and 629, Fifty-seventh Congress, first session, being reports of the Secretary of War dated April 26 and May 26, respectively, are not needed in the transaction of the current business of the departments and bureaus and have no permanent value or historical interest, and should be sold as waste paper or otherwise disposed of, upon the best terms obtainable, as provided by law.

Respectfully submitted to the Senate and House of Representatives.

F. M. COCKRELL,
BOIES PENROSE,
Members on the part of the Senate.

E. S. MINOR,
C. F. COCHRAN,
Members on the part of the House.

THEODORE R. TIMBY.

Mr. PRITCHARD, from the Committee on Patents, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 6287) for the relief of Theodore R. Timby, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. HEITFELD introduced a bill (S. 6302) granting a pension to Mattie R. Sutton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6303) to prevent misbranding and adulteration of foods and drugs, to regulate interstate commerce therein, and for other purposes; which was read twice by its title, and referred to the Committee on Manufactures.

Mr. DOLLIVER introduced a bill (S. 6304) granting a pension to Rebecca Morton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 6305) granting an increase of pension to James B. Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6306) for the relief of Frances A. Bliss; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 6307) to incorporate the American National Institute at Paris, France; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HANSBROUGH introduced a bill (S. 6308) granting a pension to John Stokes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6309) relating to proofs in homestead and other claims to public lands, and punishing false swearing therein, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

UNIVERSITY OF THE UNITED STATES.

On motion of Mr. DEBOE, it was

Ordered, That there be printed 6,600 copies of Senate Report No. 945, first session Fifty-seventh Congress, being the report of the Senate committee on the bill to establish the University of the United States, of which 4,000 copies shall be for the use of the Senate and 2,000 copies for the use of the Senate Committee to Establish the University of the United States.

REGULATION OF IMMIGRATION OF ALIENS.

Mr. PENROSE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Committee on Immigration 10,000 copies of Senate Report No. 2119 and testimony on the bill to regulate the immigration of aliens; and of House of Representatives bill which said report accompanies.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 640) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892; and

An act (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889.

The message also announced that the President of the United States had on this day approved and signed the act (S. 6270) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

PANAMA CANAL COMPANY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved by the Senate, That under the authority and powers conferred upon the Committee on Interoceanic Canals it is referred to said committee to investigate and report whether any claims exist in favor of citizens of the United States who are bondholders, shareholders, or creditors of the New Panama Canal Company, or the former Panama Canal Company, and to this end the chairman of said committee is authorized, in addition to the other powers conferred upon the committee, to publish a request that the holders of such bonds, stocks, or demands will present statements of their claims to the committee.

And it is also referred to said committee to ascertain and report to the Senate whether any unlawful or corrupt efforts, practices, or combinations exist on the part of any persons or corporations to obtain any part of the sum that may be applied to the purchase of the property belonging to the New Panama Canal Company by the United States under the authority of any act of Congress.

Mr. MORGAN. I ask leave to amend the resolution by adding, on the second page, in line 2, after the words "Panama Canal Company," the words "or to Costa Rica or Nicaragua."

Mr. TELLER. Let it be read as modified,

The SECRETARY. On page 2, line 2, after the word "Company," insert the words "or to Costa Rica or Nicaragua;" so as to make the paragraph read:

And it is also referred to said committee to ascertain and report to the Senate whether any unlawful or corrupt efforts, practices, or combinations exist on the part of any persons or corporations to obtain any part of the sum that may be applied to the purchase of the property belonging to the New Panama Canal Company or to Costa Rica or Nicaragua by the United States under the authority of any act of Congress.

Mr. TELLER. Mr. President, the resolution seems to consist of two things, and it appears to me that it should be properly divided. I am very content to vote for the last part of it, for an investigation; but I do not myself quite see the propriety of calling upon anybody to present a claim against the United States, or to present a claim of that character. I think I should prefer to let the people who have these obligations, if there are any, present them in their own way. I should be glad to vote for the latter part of the resolution, as to the investigation of corrupt methods, etc., and I ask that it may be divided.

Mr. MORGAN. It is divided, not by numbers, but there are two branches of the resolution.

Mr. TELLER. What I mean is that I want to have it divided, so that I can vote for one branch and against the other, if I choose.

Mr. MORGAN. The first branch of the resolution seems to be necessary for the reason that claims exist in the United States of which I have been notified as chairman of the Committee on Interoceanic Canals through a correspondent of the senior Senator from California [Mr. PERKINS]. Some gentleman wrote to him from Sacramento informing him that he was in possession of 100,000 francs, or thereabouts, of the bonds and obligations of the Panama Canal Company. The Senator sent the letter to me as chairman of the committee, and I laid it before the committee and mentioned it in the report.

Now, there are, I have no doubt, many other persons who have bonds in the United States who have no knowledge at all of what is going on here, and who will have no knowledge unless some step is taken to inform them. The bonds are against the old Panama Canal Company, and proceedings have been had in France, which I will undertake to say have been very summary, if they are at all legal, for the purpose of placing the control of the bonds in the hands of a liquidator, or of two liquidators, one for the bondholders and the other for the stockholders.

American citizens holding these bonds may have peculiar rights in regard to them when we purchase the property on which these bonds were an equitable lien. They may be able to say, and I think very likely they will say, that they have had no notice whatever of the French proceedings, and that the French Government, or the French courts, could not assume jurisdiction over them, being citizens of the United States and holding these bonds here, by merely appointing a guardian ad hoc to take charge of their interests without any notice to them at all.

Moreover, Mr. President, the President of the United States

will want to know of the existence of these debts, where they are and who owns them, and all about it, because it will devolve upon him to ascertain whether the $40,000,000, when paid, is to go into the pockets of a few men or whether it is to go into the hands of the proper persons, or whether he has any responsibility of that sort.

Suppose he comes to the conclusion that it is his duty to have something to say as to the direction this money shall take and to whom it shall be applied? Of course he must have the information. The President is not empowered by the act which we have passed here to make an investigation of that kind. There are no agencies I know of that he could resort to for that purpose. My object in bringing this forward was merely to get the information that was necessary to enable him to act intelligently and advisedly in respect of this business. I do not wish, after we have concluded this matter, if we shall conclude it, that any of our people can say that they have been overlooked or neglected.

Mr. MITCHELL. Mr. President, there is so much disorder in the Chamber that we can not hear a word the Senator is saying.

Mr. MORGAN. I am trying to talk as loud as I can.

Mr. TELLER. It is not your fault.

Mr. MORGAN. I hope not. I say I hope when we have gone through with whatever the President is to do under act No. 3110 of the present session, nobody will feel that he has been overlooked or neglected or slighted in the consideration of his interests.

The first branch of the resolution, therefore, gives to the committee the privilege to make an advertisement, calling upon bondholders to present a list of their claims, not with a view of barring them out, but with a view to getting such information in regard to them as the President evidently will desire and has not the means of gaining under any law that exists now. That is the first branch of the resolution.

I have amended the second branch of the resolution so as to make it relate to the moneys that may be applied under this act to the Panama Canal Company and to Nicaragua and Costa Rica.

Under the statement made in the report of the Isthmian Canal Commission we are dealing with a set of men who claim to own the property of the Panama Canal Company and who are very severely discredited in that report. They are represented in that report as men who have in a dishonorable way obtained advantages over the old Panama Canal Company, under contracts and otherwise, who have been prosecuted in the French courts, and some of them convicted, and whose offenses were condoned upon their agreement that they would become stockholders in the New Panama Canal Company. The bill which has been passed authorizes and requires the President to obtain the property of the New Panama Canal Company. In doing that, of course, we have got to deal with these men.

I can not assume, Mr. President, under these circumstances, that there is no occasion for watchfulness, and the country does not so assume. On the contrary, there are suggestions made in the newspapers and elsewhere that combinations exist for the purpose of getting this money into the hands of a few men, so as to deprive the bondholders and stockholders of their just proportion.

It is also suggested that recently large purchases of these bonds and stocks have been made in some of the large cities of the Union with a view to speculation. Well, is it right or not that the Senate of the United States should understand the whole merits of this case when it comes back to us?

As stated by the Senator from Wisconsin the other day in debate here, not a dollar of this $40,000,000 can be paid until the Senate of the United States passes upon the treaty, acquiring whatever title we may obtain from Colombia; that the money can not be paid to the Panama Canal Company until the transaction is wound up and closed by the ratification of the treaty with Colombia by the Senate of the United States. Such I assume to be the clear situation. But, then, all of these transactions for which we have provided to acquire a title from the New Panama Canal Company, and also from the Republic of Colombia, must come back to this body in the shape of a treaty, which must be ratified, because the title is required to be obtained by treaty, which, under the Constitution, must come here.

When this treaty comes back, Mr. President, I very much hope that the President of the United States will be able to say that he is entirely satisfied with every feature of this transaction. I very much hope that it will turn out to be a clean transaction from beginning to end. But suppose it does not. Suppose that this country is excited and agitated by intervenors and mischief-makers, if you please, disreputable scandalizers and slanderers in respect of these dealings, what is the duty of this committee toward the Senate? It is, if the Senate will permit them, to hold their tribunal open and ready for any man who may come here for the purpose of bringing an accusation and bringing witnesses to prove it, so that it can never be said that there has been any concealment or any chance of concealment in regard to these dealings.

If this committee is not authorized, or if some other tribunal is not authorized, to make investigations like this as the transaction progresses, when we get here next winter, if the President is fortunate enough to close this matter by that time, an investigation will then be instituted and precious time will be wasted to go back and look up what this committee can at least obtain in advance, if there is any man in the United States or elsewhere who has objections to make or cause to urge against this transaction.

I do not want to embark in this labor; I do not want to undertake it; but I want to facilitate the building of this canal. I want to provide every means that can be provided for commending whatever the action of the President of the United States may be to the confidence and judgment of the American people, and that can not be if there are men who will be found citing every scandal, suspicion, and it may be false report, which there is no tribunal to investigate.

That is my object in introducing the resolution. I want it to apply as well to Panama as to Nicaragua and Costa Rica, so that when we get through with what the Executive has to do with this matter in the execution of this statute we can say to the world, "Here is a clean sheet; there is nothing wrong about the transaction." I have no more interest in the matter, except to just make that explanation. If the Senate does not want to put that authority into the hands of the committee, well and good.

Mr. SPOONER. Mr. President, the Senator from Alabama [Mr. MORGAN] is altogether correct when he says that under the bill which has been passed it is impossible that the President of the United States shall pay over any money for the property of the New Panama Canal Company until an arrangement with Colombia shall have been made satisfactory to the United States. Of course it would be utterly childish and foolish to buy the property of the New Panama Canal Company for $40,000,000, which could not be utilized without a concession from Colombia until we had also made certain of the concessions from Colombia.

Mr. MORGAN. By treaty.

Mr. SPOONER. Of course, by treaty. In the first place I say a word about that. I do not know how an agreement of this sort, or whatever you may call it, can be made between two independent governments, which is not a treaty unless it is a legislative compact.

I do not care to discuss that, because there is no foundation for it in this situation, but I am utterly at a loss—while I never could challenge the motives of the Senator from Alabama in anything he does here, and never have—I am utterly at a loss to understand the theory upon which this resolution proceeds or to quite comprehend the theory which pervades the Senator's explanation. I do not understand that under the bill which has been passed it is the business of the United States to help the court in France to wind up the affairs of the old Panama Canal Company or intervene in any way in the proceedings of that court. I do not understand that it is the business of the United States at all, as the Senator seems to understand it, if the President finds that the United States can acquire a good title to the property from the New Panama Canal Company and from the court, to further see to it as a condition precedent under the bill, if it shall become a law, that the money paid into the court shall be distributed properly.

It is left to the President to be satisfied that this Government can and will acquire a satisfactory title to the property. That must be by agreement with the New Panama Canal Company and the liquidator, who acts under the authority of the court. Every dollar of money, Mr. President, which under this arrangement goes to the liquidator, whether it be the twenty-four and a half million dollars now arranged by arbitration or otherwise, goes into the registry of the court, to be distributed by the court, which has jurisdiction of the estate, where the claims are to be proved and where the bonds are to be presented, just as in all other cases of the same kind. If the President can not obtain, free and clear of all lien through the court and through the New Panama Canal Company, this title, that is the end of it, as I understand it. If he can obtain it, and the money is paid, then the bondholders and other creditors present their claims to that court. They contest in that court, not here, their priorities, and the question of citizenship of creditors has nothing whatever to do with it.

If an American buys a bond secured by a mortgage in France, he buys it subject to the law governing foreclosures in France and not in the United States; and, to my mind, this resolution would simply lead to a bedevilment of this canal matter. It would put obstacles in the way of the accomplishment of what Congress intends shall be accomplished, to provide that the United States shall step forward, in violation of all rules, as I understand it, to look after the interests of individual bondholders and individual creditors in the fund paid to the French liquidator. They are in the court which has jurisdiction of the debtor and jurisdiction of the property, which will establish

the priority, marshal the assets, and distribute the fund. If they are not satisfied with the decree, interlocutory or final of the court, they have appeal; they can be heard by their counsel there; and it is ordinarily safe to assume that the court of a great nation like France, proceeding under a special law passed by the legislative body of France to govern the settlement of this estate, will deal fairly with it. I can myself see no reason for the assumption by the Senate of a jurisdiction here to become the agent—that is not the function of the United States—of creditors, if there be any, of the old Panama Canal Company in this country, to see to it that in legal proceedings over there they are treated as similar bondholders or similar creditors resident in France are treated.

So I think, Mr. President, it would be without precedent, entirely mischievous and obstructive, in carrying forward this plan upon which the two Houses of Congress have united, to undertake the function proposed by the first part of this resolution, calling upon the creditors and bondholders of the old Panama Canal Company in the United States to send in their claims to the chairman of the Senate committee. For what? Is it a committee to be represented in the court of France? Is the committee to assume the function of seeing to it that in the distribution of the assets by the court of France, American creditors are not treated differently than French creditors? It must not be forgotten that not a dollar of this money which will go to the old Panama Canal Company or its liquidator is the subject of speculation, is the subject of spoliation. It goes directly from the hands of this Government to the court under the arrangement now made.

Mr. President, as to the second branch of the resolution, I do not understand it. I do not understand how any unlawful combination can exist in the United States for diverting from Costa Rica or Nicaragua or Colombia any money which the United States has to pay under the provisions of the bill to either of those governments. I put a provision in the amended bill that the President shall arrange to secure satisfactory title. That is tentative. It may be represented by conveyances deposited in escrow to await acceptance by the United States in the usual way of the concession of Colombia, but certainly the United States, in obtaining a concession from Colombia, deals only with Colombia. Every dollar of the money which, by the ratified treaty, the United States agrees to pay to Colombia, will be paid by the United States to Colombia, and certainly Colombia can be trusted to look after the interests and the funds in the treasury of Colombia.

The same thing is true as to Costa Rica and Nicaragua under the terms of the treaty which the Senator read here the other day. If it turns out to be—and with a single exception it is a good treaty—the treaty which is ratified as the condition precedent to the adoption of the Nicaragua route, that $6,000,000—I believe that is the amount that is to be paid to Nicaragua, is it not?——

Mr. MORGAN. Yes.

Mr. SPOONER. Will be paid directly by the United States to Nicaragua. How can any agreement, corrupt or unlawful combination exist that could intercept that money in its payment by the United States to Costa Rica or Nicaragua? That I can not understand.

If any charge were made affecting the integrity of the legislation, anything involving the honor of either House of Congress, I would be the last man in the world to raise my voice against an investigation of the most searching kind; but this is an advertisement, as the Senator explains it, really for objections to the Panama proceedings in France by American creditors. I know nothing about the ownership of any bonds or stocks of the Old Panama Canal Company in the United States, except what the Senator has spoken of. I apprehend that everybody in the United States knows now, through the newspapers of the country, that Congress contemplates that, if a satisfactory title can be obtained, $24,000,000 or more of money will be paid to the liquidator for distribution by the court to the creditors. It is hardly conceivable that any bondholder will fail to send in his bond, or that any stockholder will fail to be represented. People generally are looking after their interests. But, in any event, I can not bring myself to the notion that the Senate of the United States ought to commit itself to the idea that, even if we can get free and clear of all liens an absolute title to the property, we are still, as a condition precedent, to see to it as a Government that the proceeds going to the liquidator are properly distributed and to otherwise constitute ourselves a sort of foreign guardian of the court in France. I may be wrong about it, but that is the way it impresses me.

Mr. MORGAN. Mr. President, I have read over with a great deal of care very frequently the alleged judicial proceedings in the court of first instance, department of the Seine, in France, in which the foundation was laid for the title which is said to exist and which is about to be transferred from the New Panama Canal Company to the Government of the United States if the title is found to be good. To my judgment, they resemble nothing so much as a drumhead court-martial. The proceedings were entirely summary; they were without notice to the actual parties concerned.

To illustrate, when the court took jurisdiction of this subject-matter under an act of the French Parliament it required notice to be served upon a bondholder or two bondholders residing in Paris, whose names are given in the record. That was taken as service to all the bondholders in the world; and within a short time after that notice was given a decree was rendered putting the bonds in the hands of a receiver and putting all of the property of the company in the hands of a receiver, with a short right of appeal, which has long since expired, and the property, nominally or technically, has passed, through what was called a "judicial sale," into the hands of the New Panama Canal Company, as is alleged, free of the incumbrance of these bonds, the incumbrance of the equitable mortgages upon them by and under the statute being transferred from the property to the proceeds.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. MORGAN. I do.

Mr. FAIRBANKS. How many years ago was the notice given to which the Senator has referred?

Mr. MORGAN. I do not remember precisely, but I think about three years ago.

Mr. FAIRBANKS. Several years ago, at least?

Mr. MORGAN. Yes; and the proceeding was closed on that notice within three or four days after the notice was given, as I remember. It was a very short time.

The bill we have passed here contains a provision that always occurred to my mind as being a little singular, and I shall be very glad to have an explanation of it from the Senator from Wisconsin, if he chooses to give it, as he is the author of it.

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and shall have obtained by treaty control of the necessary territory from the Republic of Colombia, etc.—

He shall proceed to pay out the $40,000,000.

Mr. SPOONER. I shall be very glad to explain that section.

Mr. MORGAN. I will first state the point.

Evidently, Mr. President, the record which was presented here as evidence of the title conclusively established in favor of the New Panama Canal Company by adjudication of the court in France, is not to be accepted by the President of the United States as being a final and conclusive disposal of the question of title to that property; but the President of the United States is required to arrange to secure a satisfactory title. That implies that the whole field of negotiation relating to this title is open to the President—the legal field, the equitable field, and the moral field are all open to him—and I shall be very much disappointed in his character if he should fail to look at the legal, equitable, and moral field of inquiry committed to him, and should hold himself bound, as the Senator from Wisconsin avows he is to be, to the rigid letter of the French decree, which cuts off American women and children who hold these bonds and who have had no notice and no opportunity to be heard.

The President of the United States, in acquiring or arranging to acquire this title, will scarcely neglect this duty. He has a right to say to the people with whom he deals, "There are certain persons holding bonds in the United States who, I have been informed, have had no actual notice of these French proceedings at all. They were summary, and were rapidly conducted to a conclusion for the convenience of the parties residing in France. These people have had no notice or intimation of these proceedings at all, and the Congress of the United States has authorized and required me to arrange with you, not merely to accept, but to arrange for the acquirement of this title."

In arranging for that has not the President of the United States at least the equitable and moral right to say that some provision must be made to take care of these American people who had no representative there, who were in widowhood or in infancy, and had no one to stand by them? Are the New Panama Canal Company and its friends so exorbitant and fierce in their demands that they intend to cut off all the people of the United States who hold bonds, it makes no difference what their equities may be, in order to get this money into the possssion of the liquidator and these corrupt men who comprise the body of that New Panama Canal Company, according to the report of the Isthmian Canal Commission? That is the question that has got to be answered here, and this country is not going to be at rest until that is answered.

I propose to advertise, through the instruction of this Senate, so that those people who have got these bonds and who never had notice or intimation of the French proceeding shall have an

opportunity of presenting their cases to the President of the United States and to say to him in arranging to secure a satisfactory title to the property of the New Panama Canal Company, "We ask you to consider our case, and not to permit us to be cut off by the decree of the French court, of which we had no notice whatever." That is the situation. Perhaps I am mistaken, Mr. President; perhaps I am bound, and the people of the United States are bound, to submit to the strict letter of the French law in arranging to get a title to this property.

The Senator from Wisconsin asked the question whether citizens of the United States were not bound by the French law when they held bonds carrying a mortgage or an equity against French property. I admit, as a general proposition that that is so. The Senator in framing his bill might probably have stood on that ground, but he did not choose to do it. Instead of accepting that as a final and conclusive decree, and putting that before the Senate for its action, that we should be bound by it, that all the people of the United States should be bound by it, and that we should have nothing to do or say about the application of the money—instead of doing that, he puts in a provision here that the President of the United States shall make an arrangement much more satisfactory. In making that arrangement the President of the United States ought to have some influence and some power to make an agreement. These people are not likely to receive information, unless provision is made by some authentic body of the United States Government for having these claims presented and notified to the President.

If this resolution is not adopted, I shall address a note to the President, asking if he will not be kind enough to have notice sent to the American people by his Attorney-General that this proceeding is going on; that he is authorized to make an arrangement, and that he is disposed to consult with the holders of these bonds to see that they are not robbed out of their money by a set of men whom the Isthmian Canal Commission have shown here are not only corrupt, but have been convicted of corruption, and escaped their conviction by subscribing money to this New Panama Canal Company.

Mr. President, I am trying to give aid to the President of the United States in the proper execution of the bill which has been passed—that is all I am trying to do—and to obtain whatever shelter he is disposed to give or the Congress of the United States is disposed to give to our own people, who have been cut off from their rights, according to the theory of the Senator from Wisconsin, by this summary proceeding in Paris, of which nobody in the world had any notice but one or two selected bondholders in that city. They got into the courts and fixed up an agreement by which $600,000,000 of interest-bearing bonds were at once put into the hands of the liquidator, and the property of the old company was put into the hands of the same man. Everything was turned over to him, and he became the factotum; he was the corporation; he was the bondholder; he was the stockholder; and in that character of liquidator he has been making contracts backward and forward, passing these vast estates from one hand to another, and, finally, he has got it where the New Panama Canal Company have not any more legal right to it than I have got.

There is the situation, and I thought it was my duty, Mr. President, to try to devise some means by which this thing could be done.

As to the ownership of the bonds and also as to the possible interferences that may have taken place, I want to know before I get through with this—and I will know, if I can find out either privately or publicly—whether or not the lobby that has been hanging around this Congress so thick that you could stir them with a stick, almost, have been receiving or are to receive a part of this $40,000,000.

I want some responsible man who is going to receive this money to get on the stand as a witness and swear, under such circumstances as that his oath would subject him to an indictment for perjury if he swears falsely, in order that the American people may know how much of this money he is going to get when we pay the $40,000,000 to this company. I want to know, and I will try to know before we get through with this matter, in some way or other.

I want to ascertain the facts in a legitimate and proper way. If there is any transaction of that kind in regard to Nicaragua and Costa Rica, let it come out. Let us know whether we are dealing with men who accept bribes; for instance, whether we are dealing with the Panama Canal Company or with presidents of Nicaragua or Costa Rica or Colombia, under some arrangement to put a hundred thousand dollars or two or three hundred thousand dollars of this money into his own pocket. Things of that sort have occured in diplomacy since the first treaty was ever made. They were much more frequent in old times than they are now. They have not entirely passed out. Largesses and stipends and bribes are paid to-day to men who conduct great negotiations; and I want, when we come to the bottom of this thing, to know that the United States has not been scandalized in any respect or by anybody.

I want to open the door and to let a man who says he has an accusation against anybody connected with this affair come forward and bring his witnesses and put his testimony on record, under oath, so as to be liable to indictment for perjury if he makes a false statement.

Let us get at it in that way and not have the air filled with scandals about this thing and clamors of a disturbing sort. It is right that we should do it. Having offered the resolution, I should like very much indeed to escape the responsibility of its execution; but is for the Senate to say whether it wants it or whether it does not.

Mr. SPOONER. Mr. President, just a word. When I drew the amendment I drew it so as to provide that the President should obtain title.

Mr. MORGAN. I know that. I was surprised at the change. I did not know why you made it.

Mr. SPOONER. I was not surprised at the change. I was surprised that I drew it that way in the first place, because that involved obtaining title, which naturally would involve conveyance and payment, and that would be an impossible condition precedent, because that could not, with any possible sense, occur until we had also obtained the requisite concession from Colombia.

So, contemplating an escrow, contemplating an arrangement which would bind the title to be conveyed to the United States when the second precedent condition, to wit, the concession from Colombia, had been obtained, I used the language which I inserted in the bill. I used it in that general way, in order to leave some elasticity in it, not caring anything about the detail of it, provided only that the President had arranged in some way to take for the United States a title to the property of the new Panama Canal Company when through treaty we had acquired a satisfactory concession from Colombia.

It never occurred to me that that threw open the whole subject in France to retrial; that that turned the President into a court of equity to see to it, as a precedent condition to the acquisition of this property, that every American creditor, whoever he or she might be, was, in the distribution of the fund, treated as we have a right to assume and are bound to assume the courts of another country will treat them—as equals.

Mr. MORGAN. If the Senator will allow me, I am bound to deny that the French court has treated American people with any consideration at all in this decision.

Mr. SPOONER. The Senator from Alabama seems to proceed upon the theory that when a corporation, having a mortgage indebtedness outstanding, is placed in the hands of a receiver, its property sequestrated, its assets taken in *custodia legis*, in order to insure the validity of that proceeding every creditor must be notified and have an opportunity *in limine* to be heard. That is not the law in the United States. It is not the law in England. It is not the law, I undertake to say, in any civilized country.

Wherever a receiver is appointed over a corporation which has bonds outstanding, the trustee of the bondholders, the party to whom the property is conveyed in trust for the benefit of the bondholders, is the party who represents the bondholders in the courts, and notice to the trustee, opportunity to the trustee to be heard, is notice to the *cestui que trust*—the bondholders. Otherwise no such administration would occur at all if, with a hundred or two hundred millions of bonds, it was necessary that every bondholder should be hunted up to the uttermost parts of the earth and given personal notice and opportunity to come in and, as an individual, litigate.

Our Supreme Court has decided that the trustee represents the bondholders. He is the party to the suit, and when he is brought into court or when he comes into court the bondholders are in court. He is there under a solemn trust which he entered into when he accepted the conveyance and agreed to become trustee, and is only trustee for the bondholders. So every American bondholder is represented in any court in France through the trustee of the various mortgages.

Mr. MORGAN. If the Senator will allow me, the objection is that the trustee was appointed without any notice to them. He is not their trustee at all.

Mr. SPOONER. When a railway company or a canal company executes a mortgage and conveys the property, before a single bond is issued, of course, to a trustee upon the terms indicated in the instrument, every man and every woman who buys a bond afterwards buys it with notice on the face of the bond itself, as well as being bound to know it, that the trustee represents them; and that is the practice.

Mr. BACON. Will the Senator from Wisconsin permit me to ask him a question rather in the nature of a suggestion?

Mr. SPOONER. Certainly.

Mr. BACON. Is it not true that all of these questions at last

must be determined by the court having jurisdiction and charge of the distribution of the fund?

Mr. SPOONER. That is the point; I am coming to that.

The Senator says that this liquidator was made the receiver of the property, and that the bonds were turned over to him and the stock was turned over to him. I never heard before—although I have had some experience—that where a receiver is appointed for a corporation which has become bankrupt and which had bonds outstanding, there became vested in him the bonds. He is an officer of the court.

Mr. MORGAN. That is exactly what was done in this case.

Mr. SPOONER. That is exactly, as I understand it, what was not done in this case.

Mr. MORGAN. There was a liquidator appointed for the bondholders. What for?

Mr. SPOONER. Certainly.

Mr. MORGAN. A receiver for the bondholders.

Mr. SPOONER. Yes. Did that vest him with the bonds?

Mr. MORGAN. It vested the title in him as a matter of course.

Mr. SPOONER. Not at all.

Mr. MORGAN. I do not mean to the equities of the bonds, but it vested him with the power to control them.

Mr. SPOONER. No; that simply put in the hands of the receiver the property upon which the liens existed.

Mr. MORGAN. There were two receivers.

Mr. SPOONER. It does not make any difference if there were forty receivers.

Mr. MORGAN. One liquidator was appointed to take charge of the property of the corporation and another liquidator to take charge of the bonds and represent the bondholders.

Mr. SPOONER. Two receivers were appointed—or was there one?

Mr. MORGAN. Two. There were three at first, and then it was cut down to two.

Mr. SPOONER. Yes; but their function is precisely the same.

Mr. MORGAN. No; their functions are entirely different.

Mr. SPOONER. Their functions are entirely the same, as I understand it. They were receivers of the property. The court chose one representing the bondholders and one representing the stockholders. But they are receivers of the property, and to insure management of the property which would deal fairly with all classes of creditors and with the stockholders they chose receivers satisfactory to each class. But in the last analysis the receivers were the same. They were officers of the court, as they are in this country, and receivers of the property.

Now, Mr. President, notices, I have no doubt, have been given; they are not given when the suit is commenced; they are not given in such cases as a condition precedent to jurisdiction or administration, but as one of the details of administration. Bondholders at the proper time are given notice to send in their bonds, to file them with the clerk of the court, in our country, perhaps to file them with the liquidator over there, and as the Senator from Georgia says the whole matter is in the hands of the court, and it will be decreed that so much money is due to each bondholder, and no one bondholder can receive more than his proportion nor can he receive more than is paid to every other bondholder with the same equality of lien and with the same preference.

A long time is given to send in the bonds, and the fund which is not claimed applicable to each bond is left in the registry of the court. I know one case where eight years elapsed before the fund was, by order of the court, distributed finally without regard to bonds not presented.

There is no trouble about this matter. Does the Senator suppose for one moment that I was willing to draw a bill which bound the Government down to this particular transfer, to the particular proceedings which have thus far been had?

Mr. MORGAN. I judge not from the language of the bill.

Mr. SPOONER. It would have been an extremely childish performance. I stated on the floor that there were several methods, I thought, by which this title could be secured, and I intended to leave it open to the courts in France, perhaps to the legislative body in France, to devise means, if they have not already been devised, and to carry them into execution, under which this title could be given free and clear of lien to the United States if additional proceedings are found necessary.

I am not at all certain that as the matter stands to-day the title would be satisfactory to me. I am satisfied from what I have seen of the proceedings that with additional proceedings, easily to be had, both on the part of the canal company and the court, a good title can be secured; and if that property comes to the United States free and clear of lien the proceeds of it are to be paid into the court, which is taking care of the interests of the bondholders and the creditors, and notice will undoubtedly be given. Every person who holds a bond will either send in his bond or her bond and receive the dividend on it or that sum will be left in the registry of the court, as is done in all civilized countries, for a considerable period, pledged to the redemption of that bond *pro tanto* when it is sent in.

Mr. MORGAN. How long is that considerable period?

Mr. SPOONER. I know a case in my own experience where it was left twelve years.

I myself have faith in the judicial proceedings in France, so far as I have looked them over. I am not standing in the United States Senate to cast general impeachment upon the integrity of the judicial proceedings of another and a friendly country. It does not follow, because the procedure in France is not entirely in accord with the procedure in the United States, that it is therefore unjust. Every country establishes and regulates its own judicial administration, and every man and every woman who buys property in France, whether it be real property or personal property, such as a bond, buys it knowing that in the end if resort to judicial proceeding shall be necessary that proceeding must be had in France and according to the laws of France.

I do not want this question, which is important to the people of the United States, bedeviled—if I may use that word—by collateral and utterly irrelevant issues. If the President of the United States deems it to be his duty—that may be—to cause some notice to be taken of interests in the United States, that is for him to say. If he wants the Attorney-General to notify creditors in the United States, that is for him to say. But for the Senate of the United States, through a committee, to assume that creditors in the United States, if they be found, can attack this decree, because, although the trustee had notice they have not had personal notice, and that in this way can be found ground for indefinite obstruction in carrying out the will of Congress, I am not prepared to assent.

Mr. FAIRBANKS. Will the Senator from Wisconsin allow me?

Mr. SPOONER. I yield to the Senator from Indiana.

Mr. FAIRBANKS. I wish to recall to the Senator's mind what he discovered upon an examination of these decrees, and that is that the French court found that all of these parties were represented before the court at the time the decrees were passed.

Mr. SPOONER. Yes. This is true. There are interlocutory proceedings always, but in the end a master is appointed always to take account of the indebtedness. Before him the bonds are to be proven.

Mr. MORGAN. There never was any master in this case.

Mr. SPOONER. Perhaps it has not got to that. That does not affect the title; that does not affect the power of the court to sell the property clear of lien. That is a matter of detail in the distribution of the proceeds of the sale by the court, and I assume that what is considered in other civilized countries a fair and just method for attaining justice will be adopted in France. I am quite certain of one thing, that the act of the French Parliament is as fair an act as any equity rules in this country.

Mr. MORGAN, I desire to call the attention of the Senator from Wisconsin, if he will allow me for a moment, to one fact. This law provides——

Mr. SPOONER. It is still a bill.

Mr. MORGAN. That all this matter shall come before the Senate on a treaty.

Mr. SPOONER. What matter?

Mr. MORGAN. Of title to the property.

Mr. SPOONER, No; it does not.

Mr. MORGAN. I so understood it.

Mr. SPOONER. I do not so understand it.

Mr. MORGAN. There is something to come before the Senate. What is it?

Mr, SPOONER. A treaty.

Mr. MORGAN. What treaty?

Mr. SPOONER. As to whether the concession from Colombia or the concession from Costa Rica and Nicaragua, which is to last for all time, is satisfactory to the Senate.

Mr. MORGAN. The treaty from Colombia could not come in any legitimate form, I submit to the Senator, unless the concessions to the Panama Canal Company are gotten rid of in some way.

Mr. SPOONER. What concessions?

Mr. MORGAN. The concessions that Colombia made to the Panamá Canal Company, which expire in 1912. They have to be got rid of. Now, when we come to consider that treaty—and this is the point I wish to suggest to the mind of the Senator—the Senate will necessarily have to review the whole situation. I wanted to provide, if I could, so that the Senate of the United States would have a fair opportunity to know exactly what had taken place and to know whether any bondholders and stockholders in the United States, who are women and children, infants at the time, had an opportunity to be heard upon it.

I want to clear that all off, with a view to getting the Senate to a position where we can make a final decision. I am not trying to delay anything. God knows I have not been delaying this matter for twenty years. I am trying to bring it about so that the

Senate of the United States will have a clear view of the whole situation and be entirely satisfied—and I hope the Senate will be entirely satisfied—that all these rights have been properly taken care of.

Mr. SPOONER. We have first to consider this. First, the President has to notify Congress that under our authority he has become satisfied that the New Panama Canal Company can give the United States a good title and has arranged to secure it. Next, we want two things: First, a treaty with Colombia which consents to the transfer of the property to the United States, and in addition gives us forever the necessary concession to enable us to construct and operate and control the canal. If we do not get either of those things, then that is the end of that part of it.

Mr. MORGAN. If we do not get them all.

Mr. SPOONER. If we do not get them all, or if we get all but one. If either is lacking—that is what I meant—that is the end of the Panama part of the bill——

Mr. MORGAN. So I understand.

Mr. SPOONER. And we are remitted to the Nicaragua route.

Mr. MITCHELL. Mr. President, I was, as the Senate knows, an earnest advocate, but as the sequel shows an inefficient one, of the adoption by the Senate of the Nicaragua route for the proposed canal. The Senate thought otherwise, and agreed to a bill which authorizes and commands the President of the United States to construct a canal on the Panama route, provided he can obtain a satisfactory title to the property which the New Panama Canal Company proposes to sell to the United States for $40,000,000. That amendment to the House bill has been agreed to by the House, and the bill, if it has not already been signed by the President—and I am not advised as to that—is now before the President for his signature.

While I still think, Mr. President, that the Congress has made a mistake, the thing is done. It is an accomplished fact, so far as Congress is concerned, and the whole matter is now in the hands of the Executive. I still hope, Mr. President, and believe that the result in the end will be the construction of the canal on the Nicaragua route. I can not bring myself to believe that the Panama Canal Company can ever make it appear to the satisfaction of the President of the United States that they can give such a title as the President under the language of the law will be disposed to accept. But whether that may be so or not, I am so earnestly anxious for the construction of a canal at some place across the Isthmus that I would hesitate long before I would do anything which might be construed into an obstruction, which might result in delay in the determination of the question whether or not a satisfactory title can be made to the property which the New Panama Canal Company proposes to sell.

I fear this resolution, whether it would have that effect or not, if adopted would be construed by many, by many of my constituents, by many people, as tending to delay in reaching a conclusion upon this matter. Therefore I can not see my way clear to support the resolution.

Mr. MORGAN. Will the Senator from Oregon indulge me for a moment?

Mr. MITCHELL. Certainly.

Mr. MORGAN. I distinctly announced that my purpose is to facilitate action, not to delay.

Mr. MITCHELL. I understand that. I heard what the distinguished chairman of the committee said, and I understand his motive to be right, that it is for the purpose of aiding the President in arriving at a conclusion as to whether or not a satisfactory title can be obtained.

But I think what has been said here by the distinguished chairman of the committee, by which this matter is brought to the attention of the President, will have the same effect that an investigation and a report would have. The attention of the Executive is called to the different prongs of this subject necessary and proper to be considered before a finality is reached, and I have so much faith in the President of the United States that I believe he will not stop with the question simply whether a bare legal title can be made to the property, but that he will look into all sides of the question, that he will look into the question of the probability or possibility of innumerable claims being brought against the United States by bondholders and shareholders of both the old and the new Panama Canal companies.

I believe the President of the United States would hesitate to say that a title to this property was satisfactory within the meaning of the bill provided he at the same time was of the opinion that the United States would be pestered by these claims in the future. The whole question is with him. He is the umpire. I have faith in him. I believe he will proceed without any unnecessary delay in determining the question as to whether or not a satisfactory title to this property can be obtained. For this reason only I am disinclined to do anything that would look like an obstruction, or that any considerable number of people might think would be an obstruction, in regard to the early settlement of this great question.

Therefore, Mr. President, while I exceedingly dislike to part company at this point with the distinguished chairman of the committee, who has rendered such invaluable services in the investigation of all questions relating to the construction of an isthmian canal, I feel by my sense of duty at this moment compelled to vote against the resolution.

Mr. HANNA. Mr. President, I had supposed that the discussion upon the canal question had been finished when, by the action of both Houses, a concurrent agreement had been arrived at, and I wish to say in regard to that, arrived at in the best of spirit. The people of the United States have accepted that verdict, and are satisfied. The discussion of this question, long drawn out, gave opportunity for anybody who had absorbed any of this poison that was in the air or that had come to the public through the channels of the newspapers to mention the fact and call the attention of the country and of the Senate that undue influences were being used, that a lobby was here, for what? In the interests of the New Panama Canal Company to affect the votes of members of this body against their conviction and judgment? If such a lobby, as stated by the Senator from Alabama, for such purposes, was here, and if the result of the vote upon the bill, by insinuation, could be charged to such influences, somebody must have been corrupted in this body.

Mr. President, I must confess that I am more than surprised that such an insinuation should come from the chairman of my committee. As a member of that committee, if there has been such a lobby or such influences here, I have not known it. Nobody has approached me. If the Senator has any charges to make implicating the integrity of any member of this body who voted upon the measure, let them be made and let us have an investigation. But I want something more than newspaper stories and an intimation that it is in the air to convince me of any such influences being present or potent.

Mr. President, as a member of the committee I must protest against the spirit and letter of this resolution. I do not feel myself called upon to act on a jury, or that a drag net be thrown out to see who can be brought into it to give evidence that influences have been used in bringing about the result which will throw, if possible, even more of a cloud than has already been insinuated upon the title of this property and upon the integrity of the men who have supported the measure.

As a member of the committee I should deem it to be unworthy of my position as a United States Senator to be called upon, in the absence of any definite charge or reasonable insinuation, to sit in judgment upon what may be called a corrupt lobby. I have nothing to do with the members of the Panama Canal Company, new or old. I have other means of obtaining information which has guided my judgment toward the position I have arrived at.

I think it would be well to accept the joint verdict of the two Houses and leave this matter where it belongs—in the hands of the President and his advisers. He need not find a suggestion from this body, and above all, I do not think he needs the insinuation that in addition to all else which has been brought forward to cloud the title of this property, calumny and corruption have crept into the mind and guided the act of any member of this body who has voted upon the measure. I do not want to be a party upon a committee to send any such message to the President of the United States nor by my act to admit that there is any ground for it, or any necessity that he should be so advised.

I hope the resolution will be defeated.

Mr. MORGAN. Mr. President, the Senator from Ohio need not have put himself to the trouble of implicating this body. These are men of honor here. They have not been impeached or the slightest impeachment made by me on this subject. Nobody has said, so far as I have ever heard, that any member of the Senate or any member of the House has ever been corrupted. But many men have said, and we know it is true, that the Panama Canal Company, and perhaps other concerns interested in this matter, have had men around the Chamber for the purpose of inquiring and trying to influence votes by argument and otherwise. Of course, they have been paid for their work.

My proposition was to have a tribunal here open to the people of the United States, so that if a man had an accusation of this kind to make against anybody, against any company or government, he could come before this tribunal and bring his witnesses and they could be sworn, and if they commit perjury they could be put in the penitentiary for it, and that by this means we would suppress the slander and calumny which have too often filled the air and which do now. We could furnish a fair opportunity to the world to come here and prove anything they had to say. It would be a conservative and a good arrangement.

We have had all the time this committee, with these very powers, except the specific power that will result from the late legislation, and many a scheme that otherwise would have developed has been prevented by the mere fact that a committee

was here that had the right to call witnesses before them to examine into and explode falsehoods that might be told.

There is no danger, Mr. President, of the Senate or the House either suffering by clearing the atmosphere of calumnies that are brought by other people and circulated through newspapers. The Senator need not put himself at all to the trouble of defending the Senate or the House or any member of either body, for I have made no such accusation, as the Senator knows. Why he has taken the trouble to bring up this matter and put it in the form of an accusation made by me I can not understand, unless he has got something that he wants to cover up. I have made no such allegation at all. My purpose is and has been, as I announced to the Senator from Oregon and the Senator from Wisconsin and to the Senate, to facilitate the final disposition of this matter.

Now, we have a bill here in the process of being made into a law, which requires the Senate to sit in judgment upon this whole transaction when the President gets through with his part of the work. If, during the time this matter is proceeding, valuable information can come to the possession of the Senate through its committee that will facilitate the action of the Senate upon the treaty, if during that time scandals and accusations are made that can be exploded by testimony before the committee, it can be done and the whole field can be cleared of these difficulties and incumbrances, so that when the Senate comes to act upon the treaty finally it will have nothing to do but to consider ascertained and well-known facts. That is all of it, and in any other view of the subject we may be thrown into a cloud of doubt, and suspicion may be raised and brought forward at the last moment for the purpose of getting still further delay upon this movement.

Mr. President, delay is the only thing that I have ever feared about this matter. There are persons in the United States, numbers of them, I think, very large unified interests, that are in favor of delay and have always sought for it. No later than yesterday I received an account taken from a Costa Rican paper of a transaction which has just occurrred, which shows that there is still a large interest concerned in delay. I read a translation from La Prensa Libre, a daily newspaper published at San José, Costa Rica, dated June 16, 1902, under the head of "United States."

SLAVERY OF MARITIME TRAFFIC.

NEW YORK, 13.—The Pacific Mail Steamship Company has just concluded an agreement with the railroad company of the Isthmus of Panama by which the latter agrees to deliver to the Pacific Mail, exclusively, all the cargo coming from North America that is destined for ports north of the Isthmus on the western littoral of Central America.

Now, here is as late as that date an arrangement made which shows a combination of the great railroads of this country for delay and for postponement. They are opposed to the legislation which has been had.

Mr. FAIRBANKS. May I interrupt the Senator just a moment?

Mr. MORGAN. Certainly.

Mr. FAIRBANKS. When he was recently upon the floor I asked him how many years ago the decree was passed conveying the title of the property of the old canal company to the new canal company. I understood the honorable Senator to say some three years ago.

Mr. MORGAN. So I thought.

Mr. FAIRBANKS. I wish to call his attention to the record, showing that it was in 1894, or some eight years ago.

Mr. MORGAN. Well, I am willing to admit it.

Mr. MITCHELL. It was in 1894.

Mr. MORGAN. I had forgotten the date.

Mr. FAIRBANKS. Will the Senator allow me to read a few extracts from the record, in order that we may see exactly what was done? As the Senator knows, there was a special act passed by the French Parliament July 1, 1893, to aid in the reorganization of the canal company.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Indiana will please suspend. The hour of 2 o'clock having arrived, the Calendar under Rule VIII is in order.

Mr. LODGE. Will the Senator from Alabama allow me to make a request?

Mr. MORGAN. I am through. I am out of the way.

AGREEMENT WITH KANSAS OR KAW INDIANS OF OKLAHOMA.

Mr. QUARLES. Pursuant to the unanimous consent of yesterday, I ask that House bill 12597 be laid before the Senate.

The PRESIDING OFFICER. The Chair lays the bill before the Senate.

The SECRETARY. A bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes.

Mr. LODGE. Will the Senator from Wisconsin allow me to make a request, as I am obliged to go into conference?

Mr. BURTON. What is the order?

The PRESIDING OFFICER. The order of business is the consideration of the Kaw treaty, unanimous consent having been given yesterday.

Mr. MONEY. Mr. President, I rise for information. I introduced two days ago a resolution, which was laid over at the request of the Senator from Wisconsin [Mr. SPOONER]. It is a resolution calling for information. I ask if it would be in order to call it up now?

Mr. ALDRICH. Not now.

The PRESIDING OFFICER. The Chair thinks not, for the reason that unanimous consent was given yesterday for the consideration of the bill the Senator from Wisconsin [Mr. QUARLES] has in charge.

Mr. MONEY. I ask the Senator from Wisconsin if he will not yield a moment, that that resolution for information may be considered?

Mr. QUARLES. Allow me to say to the Senator that this is a very short measure. As far as I know, there is not any objection to it, there are no amendments, and, if the Senator will bear with us, it will be out of the way in a very few moments.

Mr. MONEY. I was not aware of the length of time the Senator proposed to consume in discussing or considering this bill. Of course he has the floor.

Mr. QUARLES. I do not presume there will be the least discussion upon it.

TAX ON TOBACCO.

The PRESIDING OFFICER. The Chair lays before the Senate the amendment of the House of Representatives to a bill, the title of which will be read, and calls the attention of the Senator from Rhode Island [Mr. ALDRICH] to it.

The SECRETARY. A bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco.

Mr. ALDRICH. I ask that the amendments of the House may be read.

The PRESIDING OFFICER. The amendments will be read.

The Secretary read as follows:

On page 2, after line 15, insert as a separate section:

"SEC. 2. That the last paragraph of section 3394 of the Revised Statutes, as amended by the 10th section of the act of July 24, 1897, is hereby further amended so as to read as follows:

"'No packages of manufactured tobacco, snuff, cigars, or cigarettes, prescribed by law, shall be permitted to have packed in, or attached to, or connected with, them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share or interest in, or dependent upon, the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section 3456 of the Revised Statutes.'"

Amend the title so as to read:

"An act to amend sections 3362 and 3394 of the Revised Statutes of the United States, relating to tobacco."

Mr. ALDRICH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SPANISH TREATY CLAIMS COMMISSION.

Mr. LODGE. I should be very glad indeed if I can make a request. I desire to ask that the vote by which the Senate on March 11 disagreed to the conference report on the bill (H. R. 8586) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States be reconsidered.

The bill passed both Houses, and there was an agreement in conference. The House accepted the report, and the Senate, on the suggestion of the chairman, disagreed to it, but the Commission feel that it is very desirable the bill should pass as originally agreed to in conference. My purpose is to get the papers back and ask for an agreement.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the vote by which the Senate disagreed to the conference report on the bill (H. R. 8586) to vest in the Spanish Treaty Claims Commission certain powers possessed by circuit and district courts of the United States be reconsidered, and that the House be requested to return the papers to the Senate.

The motion was agreed to.

APPEALS FROM SPANISH CLAIMS COMMISSION.

Mr. PETTUS. Mr. President, I ask the Senator from Wisconsin to yield in order that I may make a motion which will not be subject to debate at all.

Mr. QUARLES. Hereafter, Mr. President, I shall have to decline to yield, but I yield to the Senator from Alabama.

Mr. PETTUS. I move that the bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain," etc., which is a bill granting an appeal from the Spanish Claims Commission to the Supreme Court of the United States on questions of law, be made the unfinished business for

this day after the present bill has been considered and after the Senator from Kentucky [Mr. DEBOE] has addressed the Senate, subject to any conference reports or——

Mr. ALDRICH. I feel constrained to object to that.

Mr. ELKINS. Will the Senator from Wisconsin yield to me?

Mr. QUARLES. For what purpose?

Mr. ELKINS. I wish to give notice.

Mr. PETTUS. I did not understand the Senator from Rhode Island.

Mr. ALDRICH. I object to the request.

Mr. PETTUS. There was no request made; it was a motion.

Mr. ALDRICH. The motion is not in order.

The PRESIDING OFFICER. The Chair would state to the Senator from Alabama that under the rules a motion would not be in order. It would have to be in the form of unanimous-consent agreement. The Chair will suggest further to the Senator from Alabama that when the Kaw treaty bill is through the motion would be in order.

Mr. PETTUS. The Senator from West Virginia has given a notice, and I will not interfere with him.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from West Virginia for the purpose of giving a notice?

Mr. QUARLES. Very well.

ADMISSION OF CUBA.

Mr. ELKINS. I wish to give notice that on Monday, after the routine morning business, I should like to submit some remarks on the joint resolution (S. R. 115) providing for the admission of the Republic of Cuba into the Union as a new State.

AGREEMENT WITH KANSAS OR KAW INDIANS OF OKLAHOMA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12597) to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes.

Mr. QUARLES. I ask that the formal reading of the bill be dispensed with and that it be simply read for amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Secretary read the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ORDERS OF GOVERNOR-GENERAL OF CUBA.

Mr. MONEY. I wish to call from the table the resolution introduced by me a few days ago calling for certain information from the Secretary of War. The resolution went over at the suggestion of the Senator from Wisconsin [Mr. SPOONER], but I have had a consultation with that Senator, and he has withdrawn his objection to the resolution. I should like to have it considered and passed at this time.

Mr. PLATT of Connecticut. I did not hear the statement of the Senator from Mississippi. Was it that the Senator from Wisconsin had withdrawn his objection?

Mr. MONEY. Yes, sir.

Mr. PLATT of Connecticut. All right.

The PRESIDENT pro tempore. The Chair lays before the Senate, at the request of the Senator from Mississippi, the resolution submitted by him; which will be read.

The Secretary read the resolution submitted by Mr. MONEY on the 25th instant, as follows:

Resolved by the Senate, That the honorable Secretary of War be, and is hereby, directed to furnish to the Senate at his earliest convenience copies of all orders, general and special, issued by the governor-general of Cuba from date of the beginning of his administration up to May 20, 1902.

The resolution was agreed to.

REPRINT OF A DOCUMENT.

Mr. MONEY. I ask for the reprinting of a document by Dr. Arthur McDonald. I hold in my hand the proof sheets of the first print. The number already printed is not sufficient to meet the very great demand which has arisen for it by scientific people all over the world. I ask to have reprinted whatever additional number of copies may be printed under the law limiting the cost of printing.

The PRESIDENT pro tempore. The limit is $500.

Mr. MONEY. I ask that whatever number of copies can be printed for that sum shall be ordered to be printed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

AFFAIRS IN THE PHILIPPINES.

Mr. CARMACK. I wish to renew the request I made on yesterday to print certain matter in the RECORD in connection with the speech heretofore delivered by me. It is a publication in the New York Post giving the record of courts-martial in the Philippines.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent to print in the RECORD the matter referred to by him. Is there objection?

Mr. MCCOMAS. As a document?

Mr. CARMACK. No; I wish to have it printed in the RECORD in connection with my speech.

Mr. MCCOMAS. Are these excerpts from the testimony taken before the Committee on the Philippines which the Senator desires to have printed in the RECORD?

Mr. CARMACK. Yes. I desire to have the matter printed in the RECORD.

Mr. MCCOMAS. I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection; and the order is made.

F. Y. RAMSAY.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (H. R. 11273) to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42 for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Treasurer of the United States to pay $430.42 to F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, being balance due to Joseph Ramsay, deceased, as collector of customs and superintendent of lights in the district of Plymouth, N. C., from March 1, 1859, to April 30, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

P. A. M'CLAIN.

Mr. BURROWS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 8209) for the relief of P. A. McClain, to report it favorably without amendment. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to P. A. McClain, collector of internal revenue at Philadelphia, Pa., $366, the amount deposited in the Treasury of the United States by P. A. McClain in payment for adhesive revenue stamps issued to him in the months of June and July, 1898, by the Commissioner of Internal Revenue, and not received, sold, or accounted for by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUPLICATE CERTIFICATES OF DISCHARGE.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge, to report it favorably with amendments. It is a very short bill and will occupy but a few moments. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments reported by the Committee on Military Affairs were, in line 10, before the words "of such," to strike out "duplicate" and insert "certificate;" in the same line, after the word "such," to strike out "certificate of;" and in line 11, after the words "as a," to strike out "duplicate" and insert "a certificate in lieu of a lost or destroyed discharge;" so as to make the bill read:

Be it enacted, etc., That whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a certificate of such discharge, to be indelibly marked, so that it may be known as a certificate in lieu of a lost or destroyed discharge: *Provided*, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges."

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom were referred the following bills on the same subject, to ask to be discharged from their further consideration, and that they be postponed indefinitely:

A bill (S. 3931) to amend an act of Congress entitled "An act authorizing the Secretary of War to furnish a duplicate certificate of discharge when same has been lost;" and

A bill (S. 2427) to amend section 1 of an act authorizing the Secretary of War to furnish a duplicate certificate of discharge where the same has been lost, approved March 3, 1873.

The PRESIDENT pro tempore. The bills will be postponed indefinitely, in the absence of objection.

HAWAIIAN INVESTIGATION.

Mr. MITCHELL. I ask unanimous consent that the resolution submitted by me on the 13th instant may be now taken up and considered. I will state that when this resolution was before the Senate the other day the Senator from Rhode Island [Mr. ALDRICH] made some criticism regarding it. I have framed a substitute which meets the approval of the Senator from Rhode Island, and which, I think, will meet the approval of the Senate. I send the substitute to the desk and ask that it be read.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Oregon on the 13th instant will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized and directed to investigate, inquire into, and ascertain the general condition of the islands of Hawaii, the administration of the affairs thereof, the area, condition, quality, and value of the public lands, the leasing, selling, or disposing thereof, and to make such recommendations as may be deemed necessary; to investigate and ascertain the area, condition, quality, and value of the crown lands, the rents, issues, or other revenues or proceeds received therefrom since January 17, 1893, whether or not the former Queen of said islands now possesses any legal or equitable right, title, or interest in or to the same, or whether said Queen has any claim against the United States, legal or equitable, by reason of having parted heretofore with her title therein; the granting of franchises or other privileges; the question of immigration; the condition of labor therein, and to inquire into and report upon all other necessary matters pertaining to the executive, legislative, judicial, educational, tax, school, financial, and other systems thereof.

For the purposes aforesaid said committee, or a subcommittee thereof, appointed by the chairman, shall have power to send for persons and papers, to visit the islands, to administer oaths, to sit during the recess of Congress, and said committee shall report at the beginning of the next session of Congress the result of its investigations; the expenses of said investigation to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. I now ask that the substitute for the resolution, which I have sent to the desk, may be read.

The Secretary read as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and is hereby, authorized and directed to investigate the general condition of the islands of Hawaii and the administration of the affairs thereof, and for the purposes aforesaid said committee, or a subcommittee thereof, appointed by the chairman, shall have power to send for persons and papers, to visit the islands, to administer oaths, to sit during the recess of Congress, and said committee shall report at the beginning of the next session of Congress the result of its investigations; the expenses of said investigation to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Was the original resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. COCKRELL. Yes; it was reported by the Senator from Nevada [Mr. JONES].

The PRESIDENT pro tempore. The question is on the amendment in the nature of a substitute for the resolution presented by the Senator from Oregon.

The amendment was agreed to.

The resolution as amended was agreed to.

EXAMINATION OF DRUGS.

Mr. HANSBROUGH. I am directed by the Committee on Finance, to whom was referred the bill (S. 6298) to amend section 2743 of the Revised Statutes of the United States concerning the examination of drugs, to report it favorably without amendment. It is a very short bill, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so amend section 2743 of the Revised Statutes that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes, dyestuffs, paints, oils, varnishes, and other similar articles, at Philadelphia, Pa., shall receive a salary of $1,800 per annum, and shall be paid each year quarterly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. HOSACK.

Mr. PENROSE. I ask the Senator from Kentucky to yield to me to secure the passage of a bill of only a few lines.

Mr. DEBOE. I do not wish to detain the Senate by yielding to Senators.

Mr. PENROSE. I think I shall be the last Senator to ask the favor.

Mr. DEBOE. I will yield to the Senator from Pennsylvania, but I must refuse after that.

Mr. PENROSE. I thank the Senator. I desire to call up the bill (H. R. 2487) granting an increase of pension to William S. Hosack.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William S. Hosack, late of Company G, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTION OF UNITED STATES SENATORS.

Mr. DEBOE. Mr. President, I ask that the amendment which I offered a few days ago to House joint resolution No. 41, proposing an amendment to the Constitution of the United States to elect Senators by popular vote, be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment indicated by the Senator from Kentucky, which will be read:

The Secretary read as follows:

Amendment intended to be proposed by Mr. DEBOE to the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States, viz: Insert the following:

"The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation, and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result."

Mr. PETTUS. I desire to know if it is proposed to take any action on the amendment which has just been read?

Mr. DEBOE. It is not my purpose to ask the Senate to take any action on the matter at present.

The PRESIDENT pro tempore. The Senator from Kentucky simply desires to address the Senate.

Mr. DEBOE. Mr. President, some days ago, when this proposition was before the Senate for discussion, my distinguished friend the Senator from Kentucky [Mr. BLACKBURN] took occasion to refer to the recent gubernatorial contest in and the election laws of the State of Kentucky. No one regrets, Mr. President, the past political affairs of my State more than I do. There is not a better people in any State in this Union than live in the Bluegrass State. They are a chivalrous, patriotic, and liberty-loving people. It is not my purpose this evening to indulge in any unpleasant things, although I realize that few States in this Union have gone through such political upheavals as we have in the State of Kentucky. I would much prefer to say something kind about each and every citizen of that State than to say anything against anyone that would reflect upon him in any sense whatever. And it is not my purpose this evening in discussing the proposition to reflect upon anyone. But when a duty is thrust upon me I can not well afford to run away from it.

I have not invited this proposition to the Senate of the United States. I was here when the political excitement was at its highest in the State, and I refused, after consulting with some of the ablest and the wisest Senators on both sides of the Chamber, after many unkind insinuations had been made, both by individuals and through the press, to say anything upon the subject. But I have passed through all of that and care but little about it.

My friend claims that the election law which was in force in 1899 in that State, known as the Goebel law, was a fair and just measure. I do not claim that for the law. I think it was a vicious and corrupt measure. In brief, the law provided that the legislature should elect three State commissioners, known as the State board of election commissioners, with the power to act as a canvassing board and to certify the result as to who was elected on the face of the returns. The board also had the power of a contest board. It was a self-perpetuating machine. It had the power to fill vacancies, when they occurred, by the remaining member or members of the board.

The State board appointed a county board of election commissioners, consisting of three persons, and they could all be of the same political party, as those of the State board could be. This county board had the power to act as a canvassing board, and also in certain cases to act as a contest board.

The county boards appointed the county election officers in each and every one of the counties in the State, and while the law provided that they should be equally divided between the two leading parties, yet if this board saw fit to appoint unworthy, treacherous, or incompetent persons there was no way to prevent it. Under the law the actions of the board, notwithstanding the statement of my distinguished friend, were made final and conclusive; that is, of the State board and of the county boards.

Mr. President, instead of being a law to prevent fraud, as its friends claim for it, it was a law to create frauds in elections, and there were more frauds practiced under the operation of that law when it was in existence in the State of Kentucky than were ever committed in that State since it came into the Union.

It simply took from the people the right of self-government. It struck down the very fundamental principles of democratic and republican forms of government. It was a menace to our free institutions. It put within the hands and the power of one party the control of the affairs of that State, regardless of the will of the majority.

Now, Mr. President, when the effort was made to enact that law there was a bitter protest against it throughout the State, not only in the Republican party, but in the Democratic party. Hundreds and thousands of the best men in that party protested bitterly against the enactment of that measure, and it was only passed by the severe use of the party lash.

If it was fair, as my friends claim it was, I want to ask this question: Would they have been willing to have intrusted that law into the hands of the Republicans of that State or into the hands of the Republicans of New York, Indiana, Ohio, Mississippi, Tennessee, or any other State of this Union, and to have given the Democrats no more chance to protect their rights than that law gave the Republicans of Kentucky to protect theirs? I think the answer would be unanimously "No."

Now, Mr. President, I have a statement here as to the nature of the frauds in the First Congressional district, which is largely Democratic, and also a comparison between the votes of the First and the Eleventh Congressional districts in the years 1895 and 1896, which I desire to submit for printing without being read.

The PRESIDENT pro tempore. The Chair hears no objection; the matter will be printed in the RECORD.

The matter referred to is as follows:

To show the utter absurdity of the charge that frauds in the Eleventh district in 1896 justified the passage of the Goebel bill we append a table showing the Democratic and Republican vote in the First and Eleventh districts in 1896 and compare that vote with the one of 1895. The same county judges who appointed the election officers in 1895 appointed them in 1896. The largest per cent of Republican gains in the Eleventh was 60 per cent in Bell, and the next largest was 40 per cent in Russell, while the Democrats were given gains of 70 per cent in Clinton, 66 per cent in Pulaski, 60 per cent in Letcher, 53 per cent in Whitley, 52 per cent in Laurel, etc. The average Republican gain was 27 per cent, and that of the Democrats 38 per cent. In the First district the Democratic gains were 166 per cent in Carlisle, 151 per cent in Hickman, 137 per cent in Marshall, 131 per cent in Ballard, 107 per cent in Graves, 102 per cent in McCracken, etc., while the Republican gains were 143 per cent in Fulton, 115 per cent in Hickman, 62 per cent in Ballard, etc. The average Democratic gains for the district was 96 per cent, and the average Republican gains was 35 per cent. In the Eleventh district Republican election officers gave the Democrats 11 per cent greater gains than were given to the Republicans; but in the First district Democratic election officers gave the Democrats 61 per cent greater gains than were given to the Republicans. No comments are necessary.

Mr. DEBOE. Mr. President, some of the ablest Democrats in that State denounced the measure in the strongest terms. Some of the Senator's own friends denounced it as unfair and unjust, and I call them to testify as to whether what I have said is true or is not. While it was pending in the Senate of Kentucky one of the leaders in the Democratic party in that body, Senator Bronston, said of the bill:

"Upon the repeated demand of the Democrats of my district twice publicly refused, I resigned the office of Commonwealth's attorney, allowed my successor to earn and draw $11,000 salary, which otherwise would have been mine; gave up my lucrative law practice and came to this Senate to serve my party and friends in an effort to elect Jo Blackburn to the United States Senate.

"The present law passed by a Democratic general assembly—

That is the old law—

"and its essential recognition of the rights and power of the people to rule and govern themselves locally, sanctified by an experience of a century, authorizes the people in each of the 119 counties of the Commonwealth to elect by popular vote a county judge, who with restrictions and under heavy penalties, and subject to revision by the courts, appoints the officers of election. Under the proposed law this is repealed, and three State commissioners to be elected by this general assembly shall appoint three commissioners from each county, with right of removal and change at any time and without cause. This county board of commissioners shall in lieu of the county judge appoint all officers of election, whom they may remove and change at any time, and without cause, subject to no revision and liable to no penalties. The present law provides that the county judge, county clerk, and sheriff, if not candidates, shall canvass the returns, with limited powers as now defined by the courts, and subject to heavy penalties, even to dismissal from office, for violating the law or failing to discharge their duty, and whose certified result is subject to revision by the courts of the county and appellate court. Under the proposed law the county boards of commissioners examine returns by election officers, certify results without any penalty named in the law or any power of revision by the courts. The present law provides for boards of contest before sworn officers of the law, guarded by prescribed forms and subject to right of appeal to the courts of the land. The proposed law gives the sole power of determining contests to these irresponsible and partisan boards, without any expressed form, restrictions, or penalties."

No majority would ever submit without bloodshed to such despotism, and by the provisions of this bill you invite resort to force and greater frauds.

Law-abiding and peace-loving citizens may have submitted to many frauds practiced by each party in elections, committed under pretense of fairness and equality by men occupying official positions; yet if you confront them with a machine, the avowed purpose of which is to carry the election for its favored candidate, how can you expect tame submission? Popular indignation would desert the party, and resist the power of such a triumvirate, by acting and voting with political opponents.

Mr. President, everything that Senator Bronston said in regard to that law is true. The prophecies that he made have come true.

But I desire to call the attention of the Senate to what another distinguished Democrat said of that measure while it was pending before the legislature. I say he is a distinguished Democrat because he has been the leader for many years of the Democrats of the South. He is now being suggested as the Democratic nominee for President of the United States in 1904. Whether my friends Grover Cleveland and Mr. Bryan will honor him with that great position I can not say. I refer to the Hon. Henry Watterson, editor of the Louisville Courier-Journal. The following editorial appeared in the Courier-Journal of February 25, 1898, and needs no comment:

"The people may well stand aghast before the revolutionary election bill which has, like some dread monster, suddenly emerged from the fastnesses of passion and error through which the legislature has been threading its tortuous way. It is safe to say that the annals of free government will be sought in vain for anything approaching it in shameless effrontery and unconcealed deformity. The records of reconstruction furnish nothing to compare with it. The Brownlow despotism in Tennessee was considered tolerably reckless and tolerably thorough in its day, but the Brownlow despotism at its worst ventured upon nothing so boldly, wholly bad as this.

"In all the force bills meditated by the radicals in Congress during the dark days of reconstruction there were discernible some pretense and pretext, some lingering memory of Republican instincts and traditions. Even in the plebiscites of Louis Napoleon there was the outer display of a just electoral process and purpose. This force bill gives the voters of Kentucky not a ray of hope. It makes no claim or show of fairness. It places exclusively in the hands of three irresponsible persons to be named by the authors of the measure itself the entire electoral machinery of the State. That is the whole of it. In one word and at one fell swoop Kentucky is to become the subject of a triumvirate which is to decide who shall hold office and who shall not. Nominally, the people are to be permitted still to go through the form of elections. They are to be permitted still to vote. The ballot box is not actually abolished, but the triumvirate is, in each and every case, to cast up the returns and determine the result.

"Naturally, the question recurs, Why three commissioners when one would serve the purpose quite as well? Thrift being the order of the day, why not an act naming a single commissioner to cast a single vote for the entire State, as is sometimes done in local board meetings? Why waste the hard-earned money of the tax payer on a triumvirate, when a dictator would come so much cheaper?

"But the Goebel bill will never be enacted into law. The Democrats of Kentucky have not sunk so low as that. There is a limit even to the fury of factional passion. There are bounds set upon the prosperous rapacity of sectional leadership. The people can not have gone completely and incurably mad. There is yet some grace left in the manhood of Kentucky to rise in its might, and to say to this wicked attempt to steal its birthright of freedom in open day and before its very eyes, "I forbid!"

"The time is short, but everywhere throughout Kentucky there should be public meetings held to protest, and to send delegations to Frankfort to protest against this monstrous usurpation of power by a few unscrupulous and designing men. If this be not done, and done quickly and decisively, then are free elections and free government at an end in Kentucky, and the State given over into the keeping of a clique of self-appointed party managers, not to be recovered by the people short of a political revolution. With the machinery of this Goebel bill in his hands, Mr. Goebel becomes as completely master of the situation in Kentucky as Diaz in Mexico, or Menelek in Abyssinia."

In another editorial in the Courier-Journal of March 1, 1898, he said:

"We republish this morning from the issue of the Courier-Journal for Friday, February 11, the Goebel election bill in full. The statement that the Courier-Journal has not published it is as false as the statements relating to us usually are. The pretense that

we are afraid to publish it is answered by the act itself. It is a simple machine for turning over all the elections in Kentucky to a centralized despotism at Frankfort, consisting of three commissioners, to be elected by this legislature, and having absolute power to determine who shall hold office and who shall not during their four years' term of incumbency. This is not only usurpation of power, it is revolution in its broadest sense. It is not merely a force bill, it is a radical despotism. It disfranchises every voter in the State whom the triumvirate at Frankfort, or their satraps in the counties, see fit or find it needful to disfranchise. At one fell swoop it abolishes free elections in Kentucky. If any man doubt this, there is the bill before his eyes. If he dispute it, he proclaims himself equally a conspirator and falsifier. Nothing worse than this—more shameless, barefaced, and absolute has ever been suggested in all the annals of reconstruction, radicalism, or misrule in any age or any country. If the people of Kentucky submit to it, then they are a race of slaves, and will merit all the woes and ruin it brings them, including the heralding of their name as slaves and the proud name of the old Commonwealth as a byword to the ends of the earth."

Mr. President, every word that was said of that measure in the editorial is true, and the prophecies and the suggestions made by Mr. Watterson have also come true.

Notwithstanding my Democratic friends claim that the law was just and fair, after the election in 1899, Mr. Beckham was forced by his own party friends to call an extra session of the legislature, either to repeal or modify the law, and the legislature did modify the law to some extent. It was under this law (Goebel law) that the election of 1899 in Kentucky was held. The Republicans nominated Gen. W. S. Taylor and the Democrats Senator William Goebel for governor.

The campaign wa sone of unpleasantness, one of great strife. There was bitter feeling in the Democratic party against their nominee. It is not my purpose to go into a detailed account of the causes of this feeling against him, but it is true, known of all men in that State, that he had his bitter enemies and they were within the Democratic party. Some of them were made by an unfortunate occurrence between Mr. Goebel and a citizen of that State. The methods pursued by him and his friends to secure the nomination created the greatest excitement that was ever witnessed in the State over the nomination of any candidate. It was claimed that he received his nomination by foul means, by the aid and assistance of the mayor of Louisville and the sheriff and the police. He had large bodies of policemen in the convention to aid him. That accusation was made all over the State. It split the Democratic party in twain, and the independent element nominated ex-Governor John Young Brown, who received over 12,000 votes at the polls. Among his supporters were some of the best and ablest men of that State. They were the friends of Mr. Bryan, and they were Democrats tried and true.

The feeling between these two elements of the Democratic party, as I have said, was most intense, and the methods pursued in the conduction of the election by the friends of Mr. Goebel were of a corrupt nature. They resorted to all of the means to commit frauds that are known to elections in this country. When they saw fit to take advantage by removing election officers, they did it. In many places they refused to give the Republicans representation in the election officers, and they were absolutely at the mercy of their enemies in that contest. I have not time to go into all of those details, and I am not going into them. But in Covington, Mr. Goebel's home, his friends put Republican election officers out of the polls by armed force, as they did all over the State.

But my distinguished colleague, in discussing the Goebel bill the other day, criticised the distinguished Senator from New York [Mr. DEPEW] because he had not read the CONGRESSIONAL RECORD in the Moss-Rhea contest in the other House. I read from the CONGRESSIONAL RECORD of April 11, page 4239. My colleague, after he had discussed the question to some extent, used this language:

"Before I pass from it I would inform the Senator what he has probably neither read nor heard. If he will take up the CONGRESSIONAL RECORD he will find that within the last fortnight a contested-election case was brought in the other House of Congress. It was elaborately argued by three Republican members of the House Committee on Elections, three men who ought to be among the best equipped and ablest in that body because of their assignment to service on that committee, three men who I think are among the ablest and best equipped of the House membership to discuss such a question.

"It was argued at length, and not one of the Republicans taking part in the discussion of that election contest, as shown by the CONGRESSIONAL RECORD, though the Goebel law was the very foundation of the contention, ever charged, ever said, or ever intimated that that was not a fair election law, but upon the contrary they admitted that it was.

"I am not traveling out of the record. I am not referring to matters that have taken place in the other House. I am speaking of the CONGRESSIONAL RECORD as it is printed and laid upon the desk of every Senator for his own information and instruction. Not a man who took part on the Republican side in the debate of the Rhea-Moss contest in the House ever dared to charge or to intimate that the Goebel election law was lacking in justice or wanting in fairness. How could they when the supreme court of the State had upheld it and the Supreme Court of the United States had upheld the opinion of Kentucky's court?"

I do not doubt for one moment but what my distinguished friend believed that he was quoting correctly from the members who discussed that election. Mr. POWERS, of Maine, was one of the members of the committee who discussed the Rhea-Moss contest. This is from the CONGRESSIONAL RECORD of March 24, 1902. He said:

"The law permitted them to select the Republicans that they saw fit to choose. The law under which this election was held, and which had been repealed, but which remained in force until this election was held, did not permit the Republicans or any minority party to present the name of a man who was to represent them on that board, and if you will let the opposing party in almost any State select as the Democratic members of a board those whom I choose to call Democrats and to have them act as they did in all the precincts—men in many cases unfit, and who knew nothing about the laws of election—I think it will have no great trouble to get votes not counted or thrown out as they were in this case."

Nowhere in that speech does he intimate that the Goebel law was fair or just, but he characterizes it as I have read from him. In one sentence he referred to the Kentucky election law; but that was the law that regulated and controlled the qualification of voters, and not the methods by which elections were conducted. The Goebel law was an amendment to the old law. Not a solitary word can be found there where he admitted that that law was fair or just. But there was another Republican who discussed it. Mr. BOREING, from Kentucky, said:

"Under the operation of the Goebel election law the election machinery of the State is an adjunct to the political organization. The central board, composed of three State commissioners, are a partisan political body elected by the legislature, which itself is elected under the most unjust apportionment law that ever disgraced the statute books of any one of the forty-five great Commonwealths of the Federal Union, an apportionment that disfranchises one-half the Republican voters of Kentucky. According to the showing of the Democratic board in Kentucky Mr. Beckham carried the election for governor by 3,500 majority; but out of 100 members of the State legislature the Republicans have 26 and the Democrats 74. How do you figure this? It is by making the Republican districts twice, and in some instances three times, as large as Democratic districts.

"Now, Mr. Speaker, from this partisan State board emanates all power in Kentucky to hold elections, make returns thereof, to canvass and tabulate the votes, and try and dispose of contested-election cases, except the legislature itself is the board of trial of contested cases for governor and lieutenant-governor. The power goes out from the State commissioners through the county commissioners, to the officers in the precincts, who are clothed with the authority and charged with the duty of holding elections. These creatures of the parent board hold the elections and report back, through the county commissioners, to their masters.

"The State commissioners have the right at any time to remove the county commissioners and appoint others in their stead."

Mr. President, there is not a line nor a word in that speech of Mr. Boreing's, who discussed the Rhea-Moss contest, intimating that the Goebel law was fair and just, but he characterizes it in that language as being unfair and unjust.

There was one other member who discussed that measure and who was on the committee, Mr. GAINES of West Virginia. He said:

"It is not to be forgotten in this case that the contestant proceeded in the election in Kentucky under great and grave disadvantages. The committee in this case had hoped, in view of the fact that there were enough ballots here to settle this controversy by a mere count, to be relieved of the necessity of going into the question of the Goebel election law—that fraud at the very source of elections in the State of Kentucky—as well as to be relieved of the necessity of going into the question of fraud at the election under that law. But since so much has been made of it, let me for a moment call the attention of the House to the Goebel election law.

"That law provides, in the first place, that a partisan body shall be elected by the legislature, consisting of two Democrats and one Republican—not a Republican of Republican selection—

He was mistaken. They were all Democrats—

"but of Democratic selection. It provides that these three shall,

in every county in the State, appoint an election board, of which the Democratic party has contol—giving that party control in every county in the State. And that election board does what? It appoints election officers, and the law requires that the Republicans shall have representation among the election officers, but it does not require that they shall have representation of their own choice."

Mr. President, these are the three Republican members who discussed that measure. I will be very glad if the Senator can show me one line or one word where either one of them claimed or charged that that law was fair or just. Each and every one of them denounced the law as being unfair and unjust.

I said a while ago that the political contest over the gubernatorial race was very bitter, and it was. My distinguished friend complained very much about the militia being called out in the city of Louisville. It is true that they were called out on the day of election. He was speaking of the grounds of contest and of the question of tissue or thin ballots, and he then said:

"The vote of the city of Louisville was protested, but on another ground altogether, and that was because a Republican governor of the State of Kentucky, Mr. William O. Bradley, left his office in Frankfort, trampled the provisions of the constitution beneath his feet, shipped a lot of Gatling guns and collected soldiers in the city of Louisville, and issued a proclamation declaring that on the day of election he himself, in violation of the plainest mandate of the constitution, would take command of his military and take charge of the polls of the city of Louisville."

Governor Bradley was invited to the city of Louisville on Saturday before the election to make some speeches. He came and made those speeches. He remained over until Monday and was requested by some of his friends to speak at the Auditorium on Monday night before the election. The excitement in the city was intense. The people of that city had witnessed in the past several very serious riots.

I wish to state now that for more than twenty years it had been the custom in the city of Louisville to put some of the militia in the armory on the day of election, as the testimony of Democrats and Republicans in the record shows, and it is not denied by a single individual.

At the suggestion and the earnest request of hundreds of citizens of that city the governor placed some of the militia in the armory for the purpose of protecting the people in their rights, as the laws of the State gave him the right to do, and he did not put them there until he was thoroughly convinced that it was his duty to do so, as the evidence in the record in that contested case shows.

Now, what does the law provide? The Senator said the law provided that the governor shall direct the officer in charge of militia to report to certain civil officers—to the county judge, or the sheriff, or the coroner if the sheriff is not in the county. He was mistaken in quoting the law. The right to call out the militia in the State of Kentucky is found in section 2672 of the Kentucky statutes of 1899, which were in force when this election was held:

"SEC. 2672. GOVERNOR MAY ORDER MILITIA INTO SERVICE.—It *shall* be the duty of the governor, whenever he may deem it necessary for the safety or welfare of the Commonwealth, or when any actual or threatened invasion, insurrection, domestic violence, or other danger to the public interest make it necessary to employ force in aid of the civil power of the government for the enforcement of the law, or to preserve the peace and security of the rights and lives or property of the citizens, to order into active service so much of the State guard or military force of the Commonwealth as he may deem necessary. The State guard can only be ordered into service by the governor."

There the governor had the right to call out the militia. In section 2674 we find the officer to whom it is the duty of the commanding officer of the militia to report:

When in active service the governor may—

Not "shall"—

direct the commanding officer of the military force to report to any one of the following-named officers of the district in which the said force is employed: Mayor of a city, sheriff, jailer, or marshal.

It was in the discretion of the governor as to whether he would direct the commanding officer of the militia to report to any civil officer. He had a right to take into consideration the situation. He had filed before him many affidavits showing that it would be unwise and unsafe to have the commanding officer of the militia report to the mayor, the sheriff, or the jailer. The people of the city of Louisville witnessed and realized the part which they took in the primaries of that city prior to the election as well as the part they took in the convention which nominated the Democratic candidates.

The feeling between the two wings of the Democratic party was one of the greatest excitement.

The Senator says that the governor issued a proclamation that he would take charge of the polls on the day of election. I will read the only proclamation that I ever saw or heard of coming from the governor, and it was in a letter addressed to Mr. Willson.

On page 27, of the transcript of the record, Volume II of that contested case, we find the letter of the governor to Hon. A. E. Willson, of Louisville, on Monday evening:

"Hon. A. E. WILLSON.

"MY DEAR SIR: In view of the intense public excitement now prevailing in this city, and the fact that numerous affidavits of good citizens have been filed with me showing that there is great danger of riot and bloodshed and that citizens will be prevented by force and fraud from exercising their right in this city to-morrow, and in view of the further fact that I have been and will be called upon to act as chief police-officer of the Commonwealth, I have concluded that it would be improper for me to deliver an address this evening.

"I will thank you to assure those who may kindly honor me by their presence that I will remain in the city and see that every voter, irrespective of political opinion, is protected in his right to vote and have his vote counted, and the public peace maintained at all hazards.

"I do not intend to surround the polls with bayonets or intimidate voters. I do intend that they shall not be intimidated and will act promptly wherever necessity arises.

"Yours,

"W. O. BRADLEY."

That is the only communication that I ever saw published in regard to that matter. Right on the eve of the election, just before the governor called out the militia, the Democratic election commissioners of the city of Louisville, county of Jefferson, agreed with the Republican member not to make any changes except those that were absolutely necessary to fill vacancies where they occurred. They agreed with the Republican member, ex-United States Judge John W. Barr, a man of the highest character, a lawyer of eminence, loved and respected by all people of that State irrespective of party, who had served for twenty years upon the Federal bench, not to make any change in the election officers. After having made that agreement, the two Democratic members corruptly and arbitrarily removed 87 Republican officers and put in their places enemies of the Republicans, in many instances Democrats, men without character and without standing, and they were known to be such when they were put there. They were put upon the board for the purpose of doing the bidding of the corrupt machine that was threatening to overthrow the rights of the people. This created a new excitement in the city and there came very near being a riot. The citizens rose up in their might in that city.

Why did they do it? Because they realized that their rights were being stricken down, because they realized that the highest privileges that a citizen enjoys were being taken from them. They were not Republicans altogether, but the majority of them in the city of Louisville who protested against this were Democrats, not Gold Democrats altogether, but most of them were Bryan Democrats. They demanded that the governor should protect them in their rights and prevent a riot in the city on the day of election. Hence the governor put part of the militia in the armory on the morning of the election, and gave orders that when they went to meals or to vote that they must change their uniforms.

But the Democrats had charge of the election and had stated time and again that the Republicans and Brown Democrats should not have representation by inspectors at the polls to see the count. When they presented themselves with the proper credentials to go into the polls and witness the count, the Goeblite election officers refused them admission. Then it was that injunctions were gotten out and mandamuses issued, compelling and directing the election officers to admit these inspectors. Judge Toney, who is an able and intelligent judge, and is a Democrat, and swore that he voted for Mr. Goebel, issued that order. I will read his letter to the governor, calling upon him to enforce the order which the civil authorities contemptuously ignored. I read from volume 4, page 248 of transcript record:

"LOUISVILLE, KY., *November 7, 1899.*

"Governor W. O. BRADLEY, *City.*

"SIR: Two mandatory injunctions were to-day issued by me as one of the judges of the Jefferson circuit court, requiring election officers at the election precincts to allow the inspectors for the Brown and Republican tickets entrance to the voting precincts to witness and inspect the counts. It has been represented to me that these injunctions are being contemptuously ignored and violated. I have to-day issued the decree or judgment of law. I am not a ministerial officer and can not enforce it. I call your attention to this fact as the chief executive of the State that you may take such action to see that the laws are executed as you may deem proper under the circumstances.

"STERLING B. TONEY,

"*Judge, Jefferson Circuit Court, Law and Equity Division.*"

Under that direction the governor ordered a part of the militia under the command of the colonel, three hours after the polls had closed, about 7 o'clock in the evening, to go and see that these officers were admitted. They went to several precincts and the vote was all counted except in two, and they had admitted the inspectors when the soldiers arrived there and the vote was being counted. The militia then returned to the armory and were not on the streets at any other time during the day. The Gatling guns were not out of the armory at all.

This is a true statement why the militia was in the city of Louisville. I say that it has been the custom for twenty years to put some of the militia in the armory on the day of election, even when Republicans were elected, and also when Democrats were elected. I read from the same volume, on page 240, what Gen. John B. Castleman said in a communication to the governor in regard to the use of the militia in the city of Louisville.

"HEADQUARTERS LOUISVILLE LEGION,
"FIRST REGIMENT, K. S. G.,
"*Louisville, Ky., December 1, 1897.*

"Hon. W. O. BRADLEY, *Governor, Frankfort, Ky.*

"DEAR SIR: Complying with the authority given in your favor of the 22d of October last, I beg to hand you herewith statement for account of active service and rations for detail of the Louisville Legion serving prior to, on the day of, and subsequent to the last day of election. I send this by hand of quartermaster, Lieut. Roy McDonald, in order that he may secure immediate settlement. I beg to say to your excellency that on this as on other occasions your prudence has no doubt prevented violence in this city. Lieutenant McDonald can explain to you in particular detail, if you desire.

"I have the honor to be, dear sir,
"Very respectfully, your obedient servant,
JOHN B. CASTLEMAN,
"*Colonel, Commanding.*"

He is a Democrat, and was a Goebel Democrat. After the election was over the Democrats realized that they were defeated on the face of the returns; that Governor Taylor had received a majority, after having been robbed of thousands of votes—2,383 votes. On that the State board issued him a certificate. My distinguished friend said that that board decided, when they made their report, that if they had had judicial power they would have seated the Democrats. I will read exactly what the Senator said:

"That returning board, as you call it, consisted of three State commissioners, and two of the three said that Taylor had a majority on the face of the returns, but that the proofs submitted to the returning board was irresistible that tissue ballots were used. Probably the Senator from New York, if he is a lifelong Republican, has heard before about tissue ballots. The whole three of the returning board declared that there were more than 3,000 false tissue ballots used, and the proof was irresistible to two of the three returning board officers.

"Two of the three State commissioners, for that is their description, decided that their duties were simply ministerial. They printed and published their report to the world, in which they said that Taylor did not have a majority of the votes cast according to law; that Taylor had a majority of votes if you would include all the tissue ballots which came from certain mountain counties in the State, and that those ballots should not be counted because they were not lawful, but that, as they understood it, their duties were simply ministerial, and they had no judicial function and no right to pass upon the validity of a ballot.

"So with one dissenting the two controlling votes in that board of State commissioners issued certificates of election to Taylor and every other Republican candidate on the Republican State ticket. All three of these State commissioners were lifelong Democrats and men of the highest character and position, socially and politically, in my State. They all three agreed that Taylor was not fairly elected, but by a vote of two out of three they gave the certificates of election to every candidate on the Republican ticket, and coupled with it a statement over their signatures to the world that if they had been clothed with power to pass upon the validity of a ballot, Taylor and the whole Republican ticket had been defeated."

I hold in my hand a true copy of the report of that board. There is not a line and not a word in it about any number of tissue ballots in any county in that State. I will read what the board said in regard to that matter. After discussing their powers and authority, they say:

"May this board inquire in the matter suggested by learned counsel as to whether or not the election in the city of Louisville was free and equal on account, as it is argued, of an unlawful interfence of the military? May we institute an investigation and determine whether or not the election in any or all of the counties was or was not held by secret ballot as required by law, and whether or not it was on that account or for any reason illegally conducted, and therefore void."

That is all they say about tissue ballots or the number of ballots. It is true that one of the board refused to sign the certificate of the Republican candidates. He was a layman, a business man. I believe he was engaged in the distilling business. He was a warm friend of the Democratic candidate and was completely under his control. The other two, Judge Pryor and Judge Ellis, were eminent lawyers, men of standing, one of whom had served quite a while as chief justice of the court of appeals.

Mr. BLACKBURN. Will the Senator allow me a question just there?

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Kentucky yield to his colleague?

Mr. DEBOE. I yield.

Mr. BLACKBURN. I want to ask the Senator if he has any objection to putting the whole statement of that board into his remarks?

Mr. DEBOE. Not a bit.

Mr. BLACKBURN. I will be obliged to the Senator if he will do so.

Mr. DEBOE. I have no objection whatever to putting in the whole paper, and will do so.

In this report the board criticised the governor for calling out the militia; they also criticised the judges for issuing injunctions; but they did not render any opinion as to what they would absolutely do if the matter was before them in such a shape that they could pass upon it properly and legally.

Mr. BLACKBURN. I am entirely content to rest the case on the report of the board.

Mr. DEBOE. I will let it all go in.

Mr. BLACKBURN. All right.

[The paper referred to will be found in the appendix to Mr. DEBOE'S speech.]

Mr. DEBOE. The evidence submitted to this board, which the counsel for the Democrats desired the board to take into consideration, to act upon, and to throw out certain counties on account of what they claimed to be irregularities, was ex parte evidence, which consisted of affidavits and newspaper clippings from some of the most inflammatory articles published during that campaign in the Democratic papers, and they were sent up as a part of the returns, contrary to every principle of the law of Kentucky in that particular. This board scorned the idea and refused to take into consideration affidavits and newspaper clippings as evidence upon which they could not justly and properly act. Here is what they said about it:

"But the question as to whether or not the powers and jurisdiction of this board, as at present organized, are purely ministerial, or both ministerial and judicial, is not of supreme importance in this proceeding when we come to consider the papers and documents offered as testimony and upon which we are requested to act. These papers are clearly incompetent testimony for any purpose, and it would be so held, we apprehend, not only in all courts, but it would be so held by us if we were now sitting as a board of contest. If this board was clothed with unlimited judicial powers it would not consider the ex parte statements and extra-official certificates here submitted. It could not do so without violating the most familiar rules of evidence. Every citizen is entitled to his day in court."

That is the decision of that board in regard to that evidence. They never claimed anywhere in that report that the Democrats had been elected. Now, my friend says that the courts, from the circuit court and the court of appeals to the Supreme Court of the United States, upheld the decision of the legislature in unseating the Republicans.

But, before I come to that, I desire to call the attention of the Senator to the proceedings had in the legislature. The law of Kentucky directs and the constitution provides that in a contest for governor and lieutenant-governor the senate and the house shall select a certain number of their members to act as a board of contest. Mr. Goebel was chairman of the committee on rules to frame the procedure of the trial of his own contest.

The legislature was nearly equally divided in sentiment between the two candidates. There were quite a number of Democrats who affiliated with the Republicans in that legislature; which made the two parties nearly equally divided. There was about ten majority, I think, in the legislature composed of 138 members. The senate selected three of its members and the house selected eight of its members. Notwithstanding they were so equally divided, by some trick, maneuver, or scheme the Goebelites, who had absolute control of the whole machinery of the legislature, selected three Democrats from the senate and seven Goebel Democrats from the house to take evidence and report to the legislature as to the election of governor, and on that board of contest there was one Republican and ten Democrats. If that was all, the suspicion of fraud might not be so great; but in the case of the lieutenant-governor the same process of selecting members for a board of contest was gone through with, and on that board were two Republicans and nine Democrats.

Mr. SPOONER. How many Republicans were there in the legislature?

Mr. DEBOE. About 53, and there were quite a number of independent Democrats, which made about 63 to 75 Democrats. That is about the way the legislature stood. The two boards consisted of 19 Democrats and 3 Republicans.

Mr. President, I say that such things as that do not happen by mere chance. It takes some slight turn of the hand to reach such grand results. This board, thus composed almost entirely of Democrats, arbitrarily refused to permit Republicans to investigate certain counties where it was known that great frauds had been committed.

The Democrats charged as a ground of contest that in about 40 Republican counties there had been used tissue or thin ballots; that the leaders of the Republican party had conspired with the Louisville and Nashville Railroad Company and other corporations to bribe and corrupt voters; that they conspired with the United States marshal to intimidate voters and keep them from voting for the contestant, and also that the circuit judge of the United States court had intimidated voters and kept them from voting for the Democratic nominee, because he gave the grand jury instructions that if any person violated certain provisions of the United States statutes they should be held amenable to the law.

There was not any evidence to prove that any of these charges were true. The evidence was conflicting as to whether thin or tissue ballots were used. But the evidence shows that Points, Fulton, and Yonts, commissioners, threw out the Republican counties of Martin, Magoffin, and Johnson on the grounds of thin ballots, with a majority of 1,687, and that the ballots in Graves, Breathitt, Powell, and Wolfe were as thin, or thinner, than in the Republican counties, and the Democratic majority was 3,111. They threw Louisville out, as they claimed, on account of militia, and more than 40,000 were thrown out.

They set up that as one ground, but I presume that that would not have kept anyone from the election or from voting for the contestant, unless it was someone who wanted to violate the law.

They also complained of the issuance of injunctions compelling the election officers to discharge the duties which they had taken an oath to discharge and which the law imposed upon them. To illustrate some of those cases, I will state one or two of them. In the county of Nelson, the home of the Democratic candidate for lieutenant-governor, Mr. Beckham, who is now the acting governor of the State, the Democrats had absolute control of the election and the preparation of the ballots.

The ballots were prepared, so far as I know, correctly; the names of the candidates were correctly spelled, and the voters voted for them correctly; but when the election officers prepared the tally sheets upon which they tabulated the votes they changed the name of the Republican candidate for governor from W. S. Taylor to W. P. Taylor; and in every precinct in that county, with the exception of one, they made an effort to throw out the Republican votes for Taylor on account of that technicality, which the court of appeals has decided time and again it is the duty of the officers of election to correct. They forced the Republicans to bring suit, to go into the courts, and force a count of 1,198 Republican votes. I say the Democrats complained of that. If that is a fraud, Mr. President, then I hold that the courts of this land are frauds.

In the city of Louisville there was an injunction issued along the same line. In that case the election officers refused to count the votes in one precinct. The Republicans appealed to the court and got a mandamus issued compelling the counting of the vote, which gave Taylor 15 majority. If the whole vote had been thrown out, it would not have changed the result of the election in the least. The Republican majority in the city of Louisville was 3,432. I say that it was cases like these of which they complained. They also complained of the people gathering in many of the counties to see the count. It is true that in some of the counties there were great gatherings, and hundreds of people assembled because they realized and believed that they were going to be robbed of one of the highest privileges that an American citizen can enjoy—the right of suffrage.

The Senator says that the courts have upheld the action of the legislature. I will refer to that later. The Republican attorneys were informed by counsels for contestant that two of them would be killed if they argued the case, and this information came from Goebel's attorneys.

I realize the great tragedy which took place there, and there is not a Kentuckian who deplores that outrage against Mr. Goebel more than I do, and every true Republican in that State denounces that outrage. But admit that Governor Taylor was wrong in adjourning the legislature; admit that he had no authority to adjourn it; still that does not relieve the Democratic party of the great wrong and great frauds which it had committed upon the people of that State—not only upon the officers who were elected, but upon the citizens who had the right to select whom they pleased to rule and control their affairs.

The courts never went into the merits of this case. They simply refused to take jurisdiction of the question. The circuit court refused; the court of appeals of the State of Kentucky refused; the Supreme Court of the United States refused to take jurisdiction of the gubernatorial contest. The question was brought from the court of appeals to the Supreme Court of the United States on a writ of error, and was heard upon that, and not upon the facts and the evidence in the case.

Mr. President, if that case had been heard, and all the facts and the evidence and the law had been presented before any just court on this globe, it would have decided that the Republican candidates were overwhelmingly elected, not by 2,000 but by more than 30,000 majority, as the record will show—as is charged in the record and sustained by the evidence, and not denied by the Democrats.

They came into court upon demurrer, and the whole proceeding was heard upon demurrer. Out of about seventeen judges who sat upon that case, there were six who did attempt to give an opinion as to the conduct of the Democrats in that election, and I shall read the opinions of some of them; and they realized that the Republicans were elected.

Justice Harlan dissented from the opinion of the majority of the Supreme Court in toto, and Justice Brown and Justice Brewer dissented in part from the opinion of the court. In commenting on that case Mr. Justice Harlan said:

"Under the evidence in the case no result favorable to Goebel could have been reached on any ground upon which the board of contest or the legislature had jurisdiction to act. The constitution of Kentucky, as we have seen, declares that 'the person having the highest number of votes shall be governor.' And the statute provides that the person returned having received the highest number of legal votes given 'shall be adjudged to be the person elected and entitled to the office.' With the constitution and the statutes of the State before him when preparing his notice to Taylor of contest, Goebel, it is true, did claim in very general terms that he was legally and rightfully elected; but he took care not to say—there is reason to believe that he purposely avoided saying—that he had received the highest number of legal votes cast for governor. The evidence renders it clear that the declaration that he had received the highest number of legal votes cast was in total disregard of the facts—a declaration as extravagant as one adjudging that white was black or that black was white."

Mr. SPOONER. Who says that?

Mr. DEBOE. Mr. Justice Harlan, in his dissenting opinion.

"But such a declaration made by the body to which the board of contest reported should not surprise anyone when it is remembered that it came from those who did not have before them any of the proofs taken in the case and were willing to act without proof. Those who composed that body seemed to have shut their eyes against the proof for fear that it would compel them to respect the popular will as expressed at the polls. Indignant, as naturally they were and should have been, at the assassination of their leader, they proceeded, in defiance of all the forms of law and in contempt of the principles upon which free governments rest, to avenge that terrible crime by committing another crime, namely, the destruction, by arbitrary methods, of the right of the people to choose their chief magistrate. The former crime, if the offender be discovered, can be punished as directed by law. The latter should not be rewarded by a declaration of the inability of the judiciary to protect public and private rights, and thereby the rights of voters, against the willful, arbitrary action of a legislative tribunal which, we must assume from the record, deliberately acted upon a contested election case involving the rights of the people and of their chosen representative in the office of governor without looking into the evidence upon which alone any lawful determination of the case could be made. The assassination of an individual demands the severest punishment which it is competent for human laws in a free land to prescribe; but the overturning of the public will, as expressed at the ballot box, without evidence or against evidence, in order to accomplish partisan ends, is a crime against free government, and deserves the execration of all lovers of liberty."

He now refers to what Judge Burnam says, who was a Republican on the court of appeals, and who decided that the court had no jurisdiction over the case, and decided in favor of the Democrats. In rendering his decision Mr. Justice Harlan says:

"Judge Burnam, speaking for himself and Judge Guffy in the court of appeals of Kentucky, although compelled, in his view of the law, to hold the action of the legislature to be conclusive, said: 'It is hard to imagine a more flagrant and partisan disregard of the modes of procedure which should govern a judicial tribunal in the determination of a great and important issue than is made manifest by the facts alleged and relied on by the contestees, and admitted by the demurrer filed in the action to be

true, and I am firmly convinced, both from these admitted facts and from knowledge of the current history of these transactions, that the general assembly, in the heat of anger, engendered by the intense partisan excitement which was at the time prevailing, have done two faithful, conscientious, and able public servants an irreparable injury in depriving them of the offices to which they were elected by the people of this Commonwealth, and a still greater wrong has been done a large majority of the electors of this Commonwealth, who voted under difficult circumstances to elect these gentlemen to act as their servants in the discharge of the duties of these great offices.'"

Mr. BLACKBURN. Will it interrupt the Senator if I should ask just there if that is the opinion of Judge Guffy, of the State supreme court?

Mr. DEBOE. No, of Judge Burnam; but Judge Guffy concurred in the opinion.

Mr. BLACKBURN. And there expresses the conviction that the action of the legislature was conclusive?

Mr. DEBOE. Yes, sir.

Mr. BLACKBURN. And Judge Guffy is a Republican?

Mr. DEBOE. Yes; and so is Judge Burnam. They both decided that the action of the legislature was final and conclusive.

Mr. BLACKBURN. And they are both still Republican members of that court?

Mr. DEBOE. That is correct. Many Republicans in that contest doubted whether the court had jurisdiction over the matter; eminent lawyers disagreed on that point, as we see that they disagree on the supreme bench of the United States. Judge DuRell, who was also a Republican member of that court, held that the court under the circumstances had jurisdiction over the question, and he rendered a separate and distinct opinion from the one rendered by Judge Burnam and Judge Guffy. As I have said, six judges who have sat upon that case who attempted to express an opinion upon the facts and the evidence in the case, stated that the Republican candidates were elected and not the Democratic candidates.

As to the Goebel law, the supreme court never passed upon that law at all; but the latest decision of the appellate court of Kentucky is that the Goebel law is invalid and is unconstitutional. That is the latest decision; and the latest decision of the court of appeals of Kentucky is that the Republicans were elected; and by reason of that decision Judge Pratt is now the attorney-general of the State and is holding that office. Pryor and Ellis resigned after certificate was issued to Taylor, and left the unpleasant and corrupt work to be performed by Points, Goebel's tool, who appointed John A. Fulton and Yonts to aid in the work.

Mr. BLACKBURN. Will it interrupt the Senator if I ask one more question?

Mr. DEBOE. Not at all.

Mr. BLACKBURN. What is the political complexion of the court of appeals of Kentucky?

Mr. DEBOE. It is Republican by one majority. The same judges, with the exception of one, who were sitting on that bench when they rendered that decision, agreed with the Democratic judges that they had no jurisdiction of the matter. If they acted corruptly in the last decision, they had just as good an opportunity to act corruptly in the first. The opportunity was ten times as great to have acted corruptly in the first case as in the last.

Mr. FAIRBANKS. I wish, with the Senator's permission, to ask him a question.

Mr. DEBOE. I yield to the Senator with pleasure.

Mr. FAIRBANKS. I wish to ask if the Republican judges of the court of appeals in the first case concurred with the Democrats in holding that it had no jurisdiction in the case?

Mr. DEBOE. That is true.

Mr. FAIRBANKS. The court did not in that case undertake to pass upon the merits of the controversy?

Mr. DEBOE. It did not. None of the courts have ever attempted to pass upon the merits of the case; that is, the governor case.

Mr. FAIRBANKS. Has any court, either State or Federal, judicially determined that the Republican contention was not well founded?

Mr. DEBOE. I did not catch the question.

Mr. FAIRBANKS. Has any court, either State or Federal, undertaken to pass upon the merits of the controversy?

Mr. DEBOE. It has not.

Mr. McCOMAS. If it does not interrupt the Senator——

Mr. DEBOE. It will not interrupt me.

Mr. McCOMAS. I should like to ask him a question. If I understand your statement, Pratt, as attorney-general, was declared elected, on the same ticket with the Republican candidate for governor.

Mr. DEBOE. Yes, sir; he ran on the ticket with Taylor and the rest of the Republicans.

Mr. McCOMAS. Was his majority far in excess of their majority, or about the same?

Mr. DEBOE. He did not have so great a majority as Taylor.

Mr. McCOMAS. Do I understand you to mean that this finding of the election of Pratt involved in the mind of those who so found that the governor was elected?

Mr. DEBOE. I was speaking of the other cases and not of the Pratt case when I gave the answer to the Senator from Indiana.

Mr. FAIRBANKS. The Senator understood me as inquiring with respect to the title of Taylor to his seat as governor.

Mr. DEBOE. The court of appeals of the State of Kentucky has decided within the last few months that the Goebel law is unconstitutional. Judge Pratt tried his case before the circuit court. He had never brought his case before the court of appeals. He tried it before the circuit court, and it was decided against him; but he did not appeal it. The others appealed and asked that it be dismissed, and the court of appeals refused to dismiss it on the motion of the contestees; but, as I say, Judge Pratt brought his case since then from the circuit court to the court of appeals, and that court decided that the Republicans were elected and that the Goebel law was unconstitutional. That is the latest decision of the courts of Kentucky.

Our Democratic friends claim that there was a conspiracy on the part of the Republicans with the L. and N. Railroad to corrupt the voters. The fact is there was no conspiracy, but that the L. and N. Railroad officials were opposed to the election of Mr. Goebel. I am not here to defend corporations in any wrongdoing any more than I am an individual, but my distinguished colleague knows why that road opposed Mr. Goebel. He had fought that road and wrongfully. I served in the State senate with him and know this is true; and he had incurred the displeasure of that road. I say that road did not act corruptly with the Republicans, and there is not one scintilla of evidence to show that there was any conspiracy.

There is not a particle of evidence to show that a single solitary voter in the city of Louisville was intimidated by reason of the militia being in that city; but Democrats testified that they believed that there was a much larger vote polled by reason of the militia being in the city of Louisville than there would otherwise have been. They were Bryan Democrats, by scores, and men of the highest character.

It had been the policy of our Democratic friends to depend largely upon the L. and N. in certain political campaigns to assist them, and if they did not assist, then they were threatened with the legislature. Mr. Watterson realized that the Democrats expected to take that election, right or wrong, whether they got the majority or not, and after the nominations had been made he sat down and wrote to his friend in New York, Augustus Belmont, a letter. I shall not read it all. He was urging him not to let the officials who had control of the road in Kentucky oppose the election of Mr. Goebel. He addressed him as his friend. He says:

"The Democratic State ticket just nominated will certainly be elected. Under the operation of the Goebel law the result is not left to chance."

He goes on and comments upon the road and upon the situation generally, and finally winds up as follows:

"But Mr. Smith"—

That is the president of the road—

"But Mr. Smith is no more proof against mistakes than other people, and being a man of unyielding temper he is likely to be carried to extremes. In this business he has certainly allowed his temper to carry him far beyond the lines of worldly wisdom and a prudent forecast, and if a halt be not called upon the proceedings its evil consequences are as sure as the coming of the next session of the Kentucky legislature.

"Sincerely, your friend,

"HENRY WATTERSON."

I say it was such threats as that that they were continually making if the road did not comply with the request of the Democratic organization in Kentucky.

Mr. President, this is all I have to say for the present, unless the occasion demands more from me. There is just one other question I wish to consider. My colleague said there were 20,000 registered voters who did not vote in that election.

Mr. BLACKBURN. Ten thousand.

Mr. DEBOE. The statement in the RECORD is 20,000.

Mr. BLACKBURN. I will say that at the time I corrected the RECORD.

Mr. DEBOE. You corrected it?

Mr. BLACKBURN. I corrected it at the time. It was a clerical mistake.

Mr. DEBOE. I noticed the speech you made, but I did not notice the correction.

Mr. BLACKBURN. I corrected it the next day.

Mr. DEBOE. There were about 8,000. That was too many. But the reason why they did not vote was on account of the

methods pursued in the conduct of the election under the control of the Democrats, and a majority of those who did not vote were Republicans, as the evidence shows in the record as produced by the Republicans when that question was being investigated. Democrats testified to that fact and Republicans testified to it; and they were Brown Democrats.

I do not care what anybody may say, whenever we take the facts in this case and the law and the evidence, we are bound and compelled to reach the conclusion that the Republican candidates were overwhelmingly elected in the election of 1899 in the State of Kentucky.

APPENDIX.

Report of election commissioners Pryor and Ellis, awarding certificates for governor and all the other State officers on the Republican ticket November 6, 1899.

THE MAJORITY REPORT.

(A true copy.)

Occupying a place we did not seek, we would gladly escape the discharge of the delicate and responsible duties which at the present moment confront us, but having voluntarily assumed the responsibilities of so important a trust, our duty is plain. We are not at liberty to depart from elementary principles or to allow partisan zeal to force us to any conclusion which is not approved by our judgment and sanctioned by the law.

In reaching a conclusion in this case we are compelled to construe for the first time the statute under which we act. It has not received judicial construction or interpretation at the hands of any court. Our powers and duties under this law have not been defined by any circuit court or by the court of appeals. This, of itself, adds to our embarrassment, and, if possible, to the magnitude of the disagreeable task before us. To ascertain correctly the scope of our power and authority in the premises we must of necessity appeal to primary principles of law and to such decisions of courts of last resort as may shed any light on the subject in hand. But, finally, the board is left to thread its way along in construing the statute under which it proceeds and in determining the scope of the powers therein conferred.

THE MAIN QUESTION.

The capital question on the threshold is, What are the powers and jurisdiction of the State board of election commissioners, sitting as a canvassing board, which is the capacity in which it now acts? Are our powers purely ministerial, or are they both ministerial and judicial? May this board, under the law, acting as a mere board of canvassers, go to the bottom of any and all irregularities, misconduct, and frauds, if any, which may have been committed in the recent election, and on the whole case determine whether or not what now appears on the face of the returns is true or false? May this board inquire in this matter suggested by learned counsel as to whether or not the election in the city of Louisville was free and equal on account, as it is argued, of an unlawful interference of the military? May we institute an investigation and determine whether or not the election in any or all of the counties was or was not held by secret ballot as required by law, and whether or not it was on that account or for any reason illegally conducted and therefore void? Does the power reside in this State board to consider whether or not United States marshals were present at various polling places throughout the State with a view of intimidating the voters? These are, as we understand it, the questions underlying the whole subject.

There is, however, one other material question involved in this proceeding. It is this: If we find under the law that this board, sitting as a canvassing board, is clothed with judicial powers, as one of the counsel in argument stated it, "extra ministerial powers," the question at once is, Are the papers and documents tendered for our consideration competent evidence for any purpose, or are they merely ex parte statements, which, under the rules of evidence, are inadmissible to establish any facts?

Stated in another form, do these papers which counsel urge upon our consideration make a prima facie case, conclude any question, or authorize this board to overthrow what appears on the face of the election returns? Are the papers purporting to be amended certificates from Knox, Johnson, Magoffin, and Pike counties, and the voluminous record from the city of Louisville and other papers of like character, such official documents as impart absolute verity, and, therefore, competent evidence, or are they extra official, ex parte, and incompetent as evidence in any court, or before any tribunal where the rules of evidence obtain? Counsel for the Democratic candidates, holding to the views that this board is a judicial body, insist we should consider these papers, and we have the subject pressed upon us with great zeal and ability.

THE LAW IS PLAIN.

It is due to them and the public to state our views briefly on the subject In considering the question submitted we must be guided by the rules of law We can not depart from the beaten path, for it is the safe path. We consider first, the question as to whether or not the powers conferred on us as a canvassing board authorize us to exercise judicial power. An appeal to the provisions of the statute ought to furnish a ready answer to this question. Whatever, powers and jurisdiction it has not conferred we may not lawfully assume to exercise. We did not make the law, fix our authority, or mark the limit of our jurisdiction. If the law omits to clothe this board sitting as a canvassing board with jurisdiction and power to look into and revise election returns as certified by the proper authorities from the various counties of the State, we can not write into the law such authority. We have no right to add to or subtract from the plain terms of the statute. Looking to the provisions of this law, we find section 1 creates the State board of election commissioners, prescribes the qualification of its members, the mode of their election, the term of their office, and fixes their compensation.

Section 10 provides:

"Said State board of election commissioners, and in the absence of either, the other two shall be the board for the examining and canvassing the returns of election for any of the offices named in the last section of this act. It shall be the duty of said board when the returns are all in, or on the fourth Monday after the election, whether they are all in or not, to make out in the office of the secretary of state, from the returns made, duplicate certificates, in writing, over their signature, of the election of THOSE HAVING RECEIVED THE HIGHEST NUMBER OF VOTES, one certificate to be retained in the office and the other sent to the person elected. If all the returns are not made the right to CONTEST AN ELECTION SHALL NOT BE IMPAIRED, etc."

The section supra clearly defines the duty and fixes the power of this board sitting as a board of canvassers. But the section quoted is not the limit and does not define all the power and authority conferred on the State board of election commissioners. Section 12 of the act provides: Said board of election commissioners, or any two of them, shall be a board for determining the contested election of any officer other than governor or lieutenant-governor, elected by the vote of the whole State, or a judge or clerk of the court of appeals, circuit judge, or commonwealth's attorney. Each member of the board before entering upon his duties as such shall be sworn by some judge or judges to try the contested election and give true judgment thereon according to the evidence, etc. Further provisions of the section are that this board when sitting as a board of contest has power to send for persons, papers, and records, issue attachments, to swear witnesses by its chairman and secretary and issue commissions for taking proof.

CONTEST BOARD'S POWERS DIFFERENT.

It is evident from this section of the law that the State board of election commissioners, when sitting as a board of contest, is clothed with powers and jurisdiction which it does not possess and can not assume to exercise when sitting as at present, in a mere ministerial capacity. As a board of contest it possesses the powers and functions of a court. It can swear witnesses and hear proof, examine records, and do anything and everything necessarily proper in order to arrive at a true and correct judgment. It may set aside the original returns, overthrow a prima facie case, and when authorized by the law and the evidence cast out precincts or whole counties and award the certificates to a candidate other than the one having a majority upon the face of the returns. But these are powers which the board can only exercise when sitting as a board of contest. We must assume that the legislature, by enactment of section 12, which provides for a board of contest, intended, not only to limit the powers of this body when sitting as a board of commissioners, but to confer all the judicial power and authority which the board could lawfully exercise alone upon the board of contest. To hold otherwise would be to destroy the entire force of the section creating a board of contest and conferring on it responsible duties and large jurisdiction. This law has carefully guarded the right of all candidates. While they might not contest their rights to an office before the canvassing board they unquestionably have such right before the board of contest.

THE CANDIDATES' REMEDY.

The remedy is plain and speedy; every candidate who is defeated on the face of the returns may, before the tribunal provided by law, test the question of his right to the office with his adversary, and nothing the canvassing board may do or can do will in any degree or in any manner whatever affect his right. Such is our construction of the present law, and we are fortified in the correctness of this construction not only by the interpretation which the court of appeals of this State has placed upon kindred statutes, but by all the laws of the land, so far as we have been able to examine it.

Counsel for the candidate seeking to overthrow the prima facie evidence as it appears on the face of the returns before us have endeavored to show that the present statute confers additional powers upon this body, sitting as a board of canvassers, to the powers conferred on canvassing boards under previous statutes. A careful examination and comparison of the present with previous statutes, in so far as they relate to the jurisdiction of canvassing boards, will leave no room to doubt that the distinction sought to be made does not in fact exist. This board, under the present law, as a canvassing board, possesses no other or greater powers than those conferred on the governor, attorney-general, and secretary of state under the provisions of the previous statutes.

AUTHORITY FOR THE DECISION.

To emphasize the correctness of this conclusion we have compiled as best we could previous statutes on this subject, and we incorporate them into this opinion that the vexed question as to the power of this board, sitting as a canvassing board, may be put at rest at once and for all. The sections of the revised statutes creating canvassing boards and prescribing their power appearing in Stanton's revised statutes, article v, page 436, are as follows:

"COMPARING POLLS.—SECTION 1. The presiding judge of the county court, the clerk therefor, and the sheriff, or other officer acting for him at the election, shall constitute a board for examining the poll books of each county and giving certificates of election. Any two of them may constitute a board, but if either is a candidate he shall have no voice in the decision of his own case. If from any cause two of the before-named persons can not, in whole or in part, act in comparing the polls, their places shall be supplied by the two justices of the peace who may reside nearest to the court-house.

"SEC. 2. Within two days next after an election the sheriff shall deposit with the clerk of the county court the poll-books of the different precincts. On the next day the board shall meet in the clerk's office, between 10 and 12 o'clock in the morning, compare the polls, ascertain the correctness of the summing up of the votes, and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county—one copy of the certificates to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the secretary of state for Frankfort. For offices not within such gift, they shall give duplicate or more written certificates, over their signatures, of the number of votes given in the county, to each person voted for, particularizing therein the precincts at which the votes were given—one copy to be retained in the clerk's office and the other delivered to the sheriff.

"SEC. 4. The certificate of election of a county officer shall be in substance in the following form:

"'Commonwealth of Kentucky, sct. We, A, B, and C, duly authorized to compare the poll books of the county of —— —— do certify, at an election held in said county on the —— day of ——, E F was duly elected to fill the office of —— ——.'

"SEC. 5. After an election for governor, lieutenant-governor, or other officer elective by the vote of the whole State, or for a judge of the court of appeals, clerk of that court, circuit judge, commonwealth's attorney, Representative in Congress, or electors of President and Vice-President, it shall be the duty of the board of examiners of poll books for each county immediately after the examination of the poll books to make out three or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices. One of the certificates shall be retained in the clerk's office, another the clerk shall send by the next mail, under cover, to the secretary of state at Frankfort, and the other he shall transmit to the secretary by any private conveyance the clerk may select, free of cost.

"SEC. 6. The governor, attorney-general, and secretary of state, and, in the absence of either, the auditor, or any two of them, shall be a board for examining the returns of election for any of the officers named in the last section."

STATUTES OF 1873.

The general statutes which were adopted in 1873 contain the following provisions with respect to the duties and powers of canvassing boards. Those sections in so far as they are relevant and pertinent, are as follows:

"COMPARING POLLS.—SECTION 1. The judge of the county court, the clerk thereof, and the sheriff, or other person acting for him at an election, shall constitute a board for examining the poll books of each county and giving certificates of election. Any two of them may constitute a board; but if either is a candidate, he shall have no voice in the decision of his own case. If from any cause two of the before-named persons can not act, in whole or

in part, in comparing the polls, their places shall be supplied by the two justices of he peace who may reside nearest the court-house.

"SEC. 2. Within two days after an election, the sheriff shall deposit with the clerk of the county court the poll books of the different precincts. On the next day the board shall meet in the clerk's office between 10 and 12 o'clock in the morning, compare the polls, ascertain the correctness of the summing up of the votes, and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county—one of the certificates to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the secretary of state at the seat of government. For offices not within such gift they shall give duplicate or more written certificates over their signatures of the number of votes given in the county to each person voted for, particularizing therein the precinct at which the votes were given—one copy to be retained in the clerk's office, and the other delivered to the sheriff. The poll books shall, thereafter, remain in the clerk's office as part of its records. So, also, shall the certificates of any precinct judges which may have been used in the absence of the poll book of that precinct.

"SEC. 4. The certificate of election of a county officer shall be, in substance, in the following form:

"'Commonwealth of Kentucky, sct: We, A, B, and C, duly authorized to compare the poll books for the county of ——, do certify that, at an election held in said county on the —— day of ——, E F was duly elected to fill the office of ——.'

"SEC. 5. After an election for governor, lieutenant-governor, or other officers elective by the votes of the whole State, or for a judge of the court of appeals, clerk of that court, circuit judge, Commonwealth's attorney, Representative in Congress, or electors of President and Vice-President, it shall be the duty of the board of examiners of poll books for each county, immediately after the examination of the poll books, to make out three or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices. One of the certificates shall be retained in the clerk's office, another the clerk shall send by the next mail, under cover to the secretary of state at the seat of government, and the other he shall transmit to the secretary by any private conveyance the clerk may select, free of cost.

"SEC. 6. The governor, attorney-general, and secretary of state, in the absence of either, the auditor, or any two of them, shall be a board for examining the returns of election for any of the offices named in the last section."

Upon the adoption of the present Constitution, in 1891, it became necessary to recast the statutes of the State, and in so far as the provisions of the present statute are applicable and in so far as they are pertinent to this investigation they are as follows:

"CANVASSING RETURNS.—Section 1507. Board for examining returns for county. (Identical with section 1, Article V, Gen. Stats., except that "canvassing the returns" is used instead of "in comparing the polls.")

"SEC. 10. The certificate of election of a county officer shall be in substance in the following form:

"'Commonwealth of Kentucky. Section ——. We, A, B, and C, duly authorized to canvass the returns for the county of ——, do certify that at an election held in said county on the —— day of ——, E F was duly elected to fill the office of ——.'

"SEC. 12. The governor, the auditor, or any two of them, shall be a board for examining the returns of election for any of the officers named in the last section.

"It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the secretary's office from the returns made duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent by mail to the person elected. If all returns are not made, the right to contest an election shall not be impaired.

"STATE BOARD OF ELECTION COMMISSIONERS, section 1, 596 A.—Sec. 5.—County board to canvass returns and give certificates of election, poll-books.—Said county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county and awarding and issuing certificates of election. Any two of the members of said board may constitute the board; if either be a candidate, he shall have no voice in the decision of his own case. If from any cause two of the members of the board can not act, in whole or in part, in examining and canvassing the returns, their places shall be supplied as in case of vacancies in such board. Within two days next after an election the sheriff shall deposit with the clerk of the county court the returns from the different precincts. On the next day the said county board of election commissioners shall meet in the clerk's office, between 10 and 12 o'clock in the morning, open and canvass the returns of such election, and certify over their signatures those who have received the highest number of votes for any office exclusively within the gift of the voters of the county, one copy of the certificate to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the secretary of state at the seat of government."

Section 7, giving form of oath, is identical with section 10 on page preceding this.

"SEC. 9. After an election for governor, lieutenant-governor, or other office elective by the vote of the whole State or more than one county, or for a judge of the court of appeals, clerk of that court, circuit judge, Commonwealth's attorney, Representatives in the Congress, or electors of President or Vice-President, or for or upon questions or constitutional amendments submitted to a vote of the people, it shall be the duty of the board of canvassers of returns for each county, immediately after the examination of such returns, to make out two or more certificates in writing over their signatures of the number of votes given in the county for each of the candidates for any of said offices and the number of votes for or against such questions of constitutional amendments. One of the certificates shall be retained in the clerk's office, another the clerk shall send by mail next, under cover to the secretary of state at the seat of government.

"SEC. 10. Said State board of election commissioners, and in the absence of either, the other two, shall be a board for examining and canvassing the returns of election for any of the offices named in the last section of this act.

"First. It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the office of the secretary of state from the returns made, duplicate certificates in writing over their signatures of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent by mail to the person elected. If all the returns are not made, the right to contest an election shall not be impaired.

"Twelfth. Said state board of election commissioners, or any two of them, shall be a board for determining the contested elections of any officer other than governor or lieutenant-governor elected by the votes of the whole State, or of a judge, or clerk of the court of appeals, circuit judge, or Commonwealth's attorney.

"First. Each member of the board, before entering on his duties as such, shall be sworn by some judge or justice to try the contested election, and give true judgment thereon according to the evidence in the case.

"Second. A majority of the board shall be necessary to a decision, which shall be in writing and signed in duplicate by the members concurring therein, one copy to be retained in the office of the secretary of state and the other delivered to the successful party or sent to him by mail.

"Third. The board shall have power to send for persons, papers, and records to issue attachments therefor, signed by its chairman, swear witnesses by its chairman or secretary, and issue commissions for taking proof."

PURELY INCOMPETENT TESTIMONY.

But the question as to whether or not the powers and jurisdiction of this board, as at present organized, are purely ministerial or both ministerial and judicial, is not of supreme importance in this proceeding when we come to consider the papers and documents offered as testimony and upon which we are requested to act. These papers are clearly incompetent testimony for any purpose, and it would be so held, we apprehend, not only in all courts, but it would be so held by us if we were now sitting as a board of contest. If this board was clothed with unlimited judicial powers it would not consider the ex parte statements and extra-official certificates here submitted. It could not do so without violating the most familiar rules of evidence. Every citizen is entitled to his day in court. He can not be deprived of life, liberty, or property except by due process of law. It is not due process of law if he is not given an opportunity to meet his adversary and to cross-examine the witnesses offered against him and to produce testimony in his own behalf. It would be monstrous to say that a person appearing on the face of the returns to have been elected to an office of high or low degree could be deprived of that office on mere ex parte affidavits, which he had never an opportunity to inspect, and before he had been given any opportunity to offer evidence in his own behalf.

Such is not, never was, and never will be the law in any civilized state in the world. What we have said with respect to the ex parte affidavits submitted to us as evidence applies with equal force to the alleged amended returns from certain counties, which in every instance only purport to have been signed by a majority of the county boards and which do not certify any fact authorized by the law to be certified to this board.

It is and always has been the law in this State that an officer who is charged with the duty of making a certificate or formulating an official return can not inject into that certificate or return any fact which it is not by law made his duty to certify or recite. In every case where the like of this has happened all courts have uniformly disregarded such irrelevant and extra-official statements. An officer can not make evidence by certifying that which the law does not charge him with the duty of certifying. If such a practice was tolerated the whole system of administering justice would be destroyed and every man would at once become a law unto himself. Certainly no lawyer or intelligent citizen, whether lawyer or not, can have any serious doubt as to the accuracy of the view we now express. The question was decided by the court of appeals of Kentucky in the following cases: Walker *vs.* McKnight (15 Ben Monroe, 477), —— *vs.* Miller (4 Bibb, 311), Bowlen *vs.* Powell (7 Monroe, Monroe, 43), and Mullin *vs.* —— (12 Bush).

MILITARY INTERFERENCE.

What we have already said certainly indicates the conclusion at which we have arrived as to the law governing our actions, possibly we should add nothing more, and if we were a mere court passing upon a question before us the whole subject would close with what has already been said. But we are not a court; we have expressly decided that in this opinion. Having arrived at that conclusion, certainly those who agree with us in what we are about to say, and those who disagree with us, will not, in view of the fact that the questions we now discuss were earnestly pressed upon us for our decision, even suggest that we have stepped outside of the record to decide a question not before us.

It is contended by counsel for the Democratic candidates that the military force of the State was wrongfully and illegally called out on the day of the recent election with a view of intimidating the citizens and voters of the city of Louisville. Counsel cite not only decisions of American, but of English courts and text writers of unquestionable ability to sustain their contention that because of military interference in the city of Louisville the election held on the 7th day of November should be declared null and void.

For the reasons already stated, our answer to counsel is that we can not, as a mere canvassing board, consider the grave and constitutional question which they seek to enforce upon our consideration; but, in justice to counsel and to ourselves, we deem it relevant and pertinent to at least indicate our view on the subject.

It is a fact, about which we express no opinion, that the militia of this Commonwealth were called out by the chief executive of the State on election day, and, if the governor of the Commonwealth was in fact present in the city of Louisville personally in command of the State troops as argued, that presents a condition which does not meet the approval of this board, and which, in our opinion, the law unqualifiedly condemns.

In times of peace the military arm of the Government has no status in any State except to exist, receive its pay, and submit to the orders and commands of the civil authorities. It will not do in this country—certainly not in Kentucky—for any body occupying official station, or seeking political preferment, to call to his aid or assistance the militia of the States. Such conduct is not merely reprehensible in the first place, but it can not be tolerated for a moment by the Anglo-Saxon blood, which is represented in the citizenship of this Commonwealth.

COOLEY ON MILITARY FORCE.

No law writer of any respectability, and no court has ever agreed that a thing like this could be done in time of peace with impunity. With a just sense of the danger of military interference, where a trust is to be exercised, the highest aim is the most delicate in the whole machinery of government, it has not been thought unwise to prohibit the militia being called on election day, even though for no other purpose than for enrolling and organizing them. The ordinary peace force of the State and its presence suggests order, individual safety and public security, but when the military appear upon the stage, even though composed of citizen militia, the circumstances must be assumed to be extraordinary and there is always an appearance of threatened and dangerous compulsion which might easily interfere seriously with that calm and unimpassioned discharge of the elector's duty which the law so justly favors.

The soldier in organized rank can know no law but such as is given him by his commanding officer, and when he appears at the polls there is necessarily a suggestion of the presence of an enemy against whom he may be compelled to exercise the most extreme and destructive forces. That enemy must generally be the party out of power, while the authorities that command the force directed against them will be the executive authority of the State for the time being, wielded by their opponent.

It is consequently, of the highest importance that the presence of the military force at the polls be not suffered except in serious emergencies, when disorders exist or are threatened for the suppression or prevention of which the ordinary peace force is insufficient. And any statute which would provide for or permit such presence as a usual occurrence or, except in the last resort, though it might not be void, would nevertheless be a serious

invasion of constitutional right, and should not be submitted to in a free government without vigorous remonstrance. (Cooley's Constitutional Limitations, 6th edition, pages 773 and 774.)

This is "American law," recognized without qualification in every State of the Union and to which the board accords its willing and unqualified approval. So firmly are the principles announced by Judge Cooley anchored in our system that the Federal Congress by statute has provided that armed troops can not lawfully be present at the place of an election, except to repel the enemies of the United States or keep the peace. The doctrine announced by Judge Cooley is recognized and practiced in England. It has been the usage from the time of Edward I to remove all bodies of troops stationed near any polling places while the election was in progress, and by the statute of George II, c. 30, it was made the duty of the secretary of war to remove any body of troops not on regular garrison at least two miles from the town where an election was to be held, and keep them away at least one day after the polls were closed. Interpreting this statute, an English court said: "There having been disturbances and rioting during the election, the officers called in a body of troops to assist in preserving order." The election was set aside, but it does not appear from the proceedings whether it was on account of the employment of the soldiers or because of the riot.

The magistrates who called in the militia were called before the House of Commons and reprimanded on their knees by the Speaker, and the House passed the following resolution:

"That it appears to this House that a body of armed soldiers, headed by officers, did, on Friday, the eighth day of March last, come in a military manner, and take possession of the churchyard of St. Paul, Covent Garden, near the place where the polls for the election of citizens to serve in this present Parliament for the city of Westminster was taken before the said election was ended; that the presence of a regular body of armed soldiers at an election for members to serve in Parliament is a high infringement of the liberties of the subject, a manifest violation of the freedom of electons, and an open defiance of the laws and constitution of this Kingdom." (Roe on "Elections," 311.)

THE LAWS OF EVERY STATE.

The doctrine announced above is the law of every State in this Republic, and in a proper case with the facts properly shown before a tribunal having jurisdiction to deal with the subject the conclusion to which such tribunal would come is not, in our opinion, clothed by the slightest shadow of doubt.

But, for reasons already discussed, this board may not sit in judgment on that question, nor does it intend by what it has said to commit itself to any hard-and-fast line of action in the future. We have taken the liberty in this connection to express on this, along with the other questions argued, an opinion in this proceeding which has taken the widest range in the argument on both sides.

THE ACTS OF JUDGE TONEY.

Once more counsel for the Democratic candidates urges upon this board that it ought to reject the vote of the city of Louisville on account of the official acts of a circuit judge who, as counsel contend, with writs of mandamus and mandatory injunctions, not only forced, as it is claimed, the officers of election to admit persons to the polling places who legally had no right to be there, but who, by mandatory process, required election officers to certify returns which it is suggested to us were not in fact true.

All of this, for the reasons stated, is apart from the jurisdiction of this board as at present constituted. It is enough, however, in this connection, to say that this is not a government by injunction, and when the question is properly presented before a tribunal having jurisdiction to deal with the subject, we predict with confidence that the judgment of such tribunal will be swift and certain, and that it will be distinctly held that such performances on the part of any judge in this State, whether of high or low degree, are usurpations which can not and will not be sanctioned by law.

If the people of Kentucky are noted for anything, it is for fair dealing. Any attempt at intimidation, coercion, or overawing is resented by every citizen of the State, and no officer can with impunity exercise the functions of his place for the purpose of controlling the lawful actions of the citizens, or to put him in fear, except as he has committed some public offense.

THE CERTIFICATE IS TAYLOR'S.

We regret we have regarded it necessary in view of questions before us to extend this opinion to such length. It results from what has already been said that the certificates on the face of the returns before us should be issued to William S. Taylor, the Republican candidate for governor, and to the other candidates on the Republican State ticket with him, and it is so ordered.

Mr. KEAN. I should like to ask unanimous consent to call up a little pension bill.

Mr. BLACKBURN. I should like to have the floor——

Mr. KEAN. I yield to the Senator from Kentucky.

Mr. BLACKBURN. Unless the traditions of the Senate are to be disregarded.

Mr. KEAN. I yield to the Senator from Kentucky.

Mr. BLACKBURN. Mr. President, if the Senator from Kentucky [Mr. DEBOE] is satisfied with his speech, so am I, and surely he has no right to claim that it was made on the spur of the moment, because it is evidently, from beginning to end, an answer to something that I said in the Senate when engaged in a colloquy with the junior Senator from New York [Mr. DEPEW], and if my memory serves me as to dates, that must have been two months or more ago.

So the Senator's utterance to-day is not an impromptu one. It has been deliberated upon and carefully prepared, I assume, and I have no objection to it. On the contrary, I congratulate him upon the good temper in which it was couched and delivered.

I am sorry that the Senator in the course of his address did not illustrate a little more his nonpartisan fairness and tell us something about what his party did through these troublous and ever to be regretted times in that period of Kentucky's history. He has told you everything bad that the Democratic party ever did out there. He has told you everything bad that anybody ever intimated that the Democratic party ever did, and he has told you a good deal that I never before heard anybody charge against the Democratic party.

But his time was limited, I reckon. He has spoken only an hour and a half, and he did not have time or take occasion to tell you about somebody suspending the writ of habeas corpus in Kentucky just at that junction, denying to the officials of the courts permission to serve the processes of the courts, not in the remote mountain counties of my State, but on the capitol square in the city of Frankfort, which was barricaded with armed men and converted into a military camp.

He did not tell you that when the sheriff undertook to execute process of the circuit court of Franklin County, the capital county of my State, and to execute it on the capitol square itself, under the dome of the State capitol, he was notified that the civil writs of courts did not run any longer; that martial law was supreme, and that he was a prisoner.

I am sorry that the Senator did not find time to tell you who it was that with bayonets and guns in their hands, under the command of the military State officials, chased the legislature of that sovereign Commonwealth out of that State capitol building, ran a foot race with it in its effort to get to the court-house where it might hold a session, barred it from entrance to the court-house with bayonets, under the command of the adjutant-general of the State—Mr. Taylor's adjutant-general—Dan Collier, and then when that legislature, a law-making body on wheels, undertook to meet in the opera house Dan Collier and the uniformed military of the State, whom Taylor had there, beat them to the opera house and with crossed bayonets in front of its doors refused to allow the legislature to gather there.

I wish he might have gone on and told you further that that same Republican adjutant-general, who had suspended the writ of habeas corpus, who had proclaimed martial law, who had chased the legislature at the point of the bayonet out of the State capitol and away from the court-house and away from the opera house, and all in God's broad sunshine of the day, then hied himself across the street to the principal hotel, where he heard, as he said, that the legislature was thinking of holding a session, and harangued the crowd and notified the proprietor, Mr. Whitesell, that if the legislature of Kentucky, the reservoir of the sovereignty of 1,800,000 free people, was allowed to hold a session in that public hotel he would batter it to the ground with the Gatling guns that Bradley sent to Louisville to intimidate the voters of that city with.

Nobody denies all these things. My colleague will not deny them. But I do not care to dwell upon the incidents of that, the darkest page in all my State's history. It may not be that cause preceded effect; it may be that it was simply and purely a political incident; but without expressing an opinion upon that subject the fact will not be gainsaid that this darkest, bloodiest, most disreputable of all the periods of that old Commonwealth's history, which covers more than a hundred years, took place under the only Republican administration with which that State has ever been cursed since it came into this Union in June, 1792.

Now, as to the vote, I am not going to repeat myself or say over what I said on the former occasion to which I have alluded. The board of State election commissioners consisted of three men. The Senator has stated this fact correctly. They were all Democrats. They were men of the highest character, two of them lawyers of high and recognized ability and standing. They were all Democrats. There was not a Republican on it. There ought to have been, but there was not.

That was the board—three Democrats. One of them was a member of the House here from Kentucky for years—Ellis, from the Second district. That board by a majority vote, on a contest between the contending parties for the State offices, issued the certificates from top to bottom to the Republican ticket. Now, the Senator complains that the Republicans had no representative on that election board.

Mr. DEBOE. Will the Senator yield to me for a moment?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. Did all three of them sign the certificates?

Mr. BLACKBURN. No; I will state it.

Mr. DEBOE. Which one refused?

Mr. BLACKBURN. Mr. Points refused. Judge Pryor and Mr. Ellis did sign.

Mr. DEBOE. Will the Senator permit me to ask him another question?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. After Judge Ellis and Judge Pryor signed this report, did they not resign, and did not Mr. Points, the remaining member, appoint Mr. Fulton and Mr. Yonts?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. Then the whole election was absolutely in the hands of Mr. Points, who refused to sign the certificates of the Republicans.

Mr. BLACKBURN. No; the whole election was not in his hands at all. He did not have any more influence than the Senator had here, because the other two outvoted him and issued certificates to the Republican claimants for every State office on the ticket. I admit that the Republicans had no representation upon that board of election commissioners, but it does not seem

to me that they suffered much, because that board, composed of three avowed Democrats, issued to the Republican candidates the certificate of election for every State office from governor down.

Mr. DEBOE. Will the Senator permit me?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. After the board was composed of Mr. Points, and Mr. Fulton, and Mr. Yonts, they heard the contests for the minor offices?

Mr. BLACKBURN. That was after the issuance of the certificates.

Mr. DEBOE. Yes.

Mr. BLACKBURN. Yes.

Mr. DEBOE. They heard the contests?

Mr. BLACKBURN. Yes.

Mr. DEBOE. This board threw out the city of Louisville and the various counties that were thrown out on account of tissue ballots?

Mr. BLACKBURN. Yes, sir.

Mr. FAIRBANKS. Will the Senator state whether the board was Democratic or Republican?

Mr. DEBOE. Democratic entirely, there being not a Republican on it.

Mr. BLACKBURN. It was Democratic. That was, as to two of the three members, a new board, because after issuing certificates to the Republican candidates, two of the three Democrats on the original State board of election commissioners resigned, and the two appointed in their places were Democrats, which left it still a Democratic board. That is the exact statement.

Now, I do no care to go any further. As to the law——

Mr. FAIRBANKS. Will the Senator please state why the two resigned, if he can inform us?

Mr. BLACKBURN. I had contented myself with the request of the Senator to have published as a part of his speech the statement published by the State election commissioners who did resign.

He read part of it and cheerfully acceded to my request to have the whole of it published in his remarks, because they tell you there that on the face of the returns the Republican candidates on the State ticket were elected, but they tell you further that they were simply discharging a ministerial duty, which was to foot up the tally sheets and issue certificates; that their duties were purely ministerial; that they had no right, as they conceived, to inquire into the validity of any ballot that might be impeached; that theirs was purely a clerical service, and in the discharge of such duty they had no difficulty in ascertaining that Taylor and the other Republican candidates had a majority of the votes returned. Upon that they issued the certificates of election to the Republican candidates.

But read in to-morrow morning's RECORD, if the Senator's speech shall appear in to-morrow morning's RECORD, the statement given out to the public by these gentlemen, who afterwards resigned, and you can not reach any conclusion on earth except that they issued those certificates to the Republican claimants not because they believed they had gotten a majority of the legal votes cast at that election (because they did not believe it), but because they had no power to go behind the returns. That is set out as plainly as two good lawyers like the ex-chief justice of my State, Judge Pryor, and Judge Ellis were able to put it.

That is the reason why they resigned. It was because their oaths, as they construed the law, required them to issue certificates on the State ticket to a lot of men who had never been elected, and they knew that the people were restless under it and would be dissatisfied with it. That was their explanation, and none other. I do not care to go into all these things.

Mr. FAIRBANKS. Will my brilliant and good friend allow me to ask him a question at this point, in order to get at the truth?

Mr. BLACKBURN. With great pleasure.

Mr. FAIRBANKS. This is a very important question. It seems to me, from listening to the Senator's very able speech a few weeks ago and his colleague's speech to-day, that there is a divergence of views between them with respect to a very important feature of the case.

I understood the junior Senator from Kentucky to say, in the course of his remarks, that the Democratic contention had been approved and justified by the court of appeals of Kentucky, and also by the Supreme Court of the United States. I interrupted the senior Senator from Kentucky this afternoon and asked him whether the merits of this controversy, lamentable as it is, had been passed upon by either State or Federal court.

I am referring now to what is generally known as the Taylor case. He said they had not been. I then turned to the RECORD and find this utterance of my distinguished friend, now on the floor——

Mr. BLACKBURN. What is the date, if the Senator pleases?

Mr. FAIRBANKS. April 11 last.

Mr. BLACKBURN. That is right. It was over two months ago.

Mr. FAIRBANKS. I will read it.

> In the meantime the legislature met, and as it had the unquestioned right—a right which no man ever has dared to dispute, even in the realm of newspaperdom—that legislature by joint ballot, supported by a majority of all the membership of it, declared, as did the whole number of three State commissioners, that Taylor and his Republican associates upon the ticket had never been elected. That legislature declared that Goebel was the legally elected governor of the Commonwealth.
>
> That contest was prosecuted through the State of Kentucky to and including its supreme court, which we denominate the court of appeals. The contention of the Democrats was sustained. Nor did it stop there. That contest was brought beneath the Dome of this Capitol and passed upon by the Supreme Court of the United States, and the action taken by the local courts of Kentucky was sustained and vindicated.

Mr. BLACKBURN. Precisely.

Mr. FAIRBANKS (reading):

> These are the facts, and no man who knows aught of them will dispute a single, solitary statement.
>
> What is it that the Senator from New York is complaining about? The Goebel law, he said. Why, the Goebel law has been sustained by the supreme court of Kentucky, and that has been sustained and vindicated in the opinion of the Supreme Court of the United States. Is it possible that the supreme courts of the Commonwealths of this Union and the Supreme Court of the United States itself must reverse their findings, change their opinions, review their own decisions, and come to learn law at the hands of a worthily distinguished and conspicuous corporation railroad attorney?
>
> I stand upon the opinion of the supreme court of my State and upon the opinion of the Supreme Court of the United States, and I think I may safely stand there with a hope of not having the underpinning knocked from beneath me by the opinions of the junior Senator from New York.

Mr. BLACKBURN. That is it.

Mr. FAIRBANKS. I had that in mind, but not accurately, when I interrogated the senior Senator from Kentucky. I understood him to say that the decision of the court of appeals of Kentucky and of the Supreme Court of the United States did not turn upon the merits of the controversy, but upon a question of jurisdiction.

Mr. BLACKBURN. No; it was not at all upon a question of jurisdiction, if the Senator please. I repeat every word that the Senator from Indiana has just read from the CONGRESSIONAL RECORD from my remarks made some two or three months ago. The courts of Kentucky held—and when I say the "courts of Kentucky" I mean from the nisi prius court up through the supreme court—that the legislature was clothed with the power to determine all contested election cases, not for State offices, but for the two offices of governor and lieutenant-governor.

The legislature is made the arbiter and the court before whom that case must be tried, and its judgment is final, The legislature did so through the report of its joint committee. It had separate committees upon the contest for governor and upon the contest for lieutenant-governor. My colleague complained of the lack of proper Republican representation numerically upon those committees, and intimated, if he did not charge, that there must have been some species of chicanery in the formation of those committees.

To that I have nothing to say, except that those committees were selected by lot in the two houses of the legislature in open session, just as men draw for seats over here in the House of Representatives.

Those two committees were raised and those joint committees did report, and the legislature, not only in joint assembly, but severally did declare by a majority vote, a quorum of each house being present, that not Taylor but Goebel had been elected governor of Kentucky, and that Beckham had been elected lieutenant-governor.

Mr. FAIRBANKS. What was the political complexion of the legislature at that time?

Mr. BLACKBURN. Oh, it was very largely Democratic. I notice the Senator from Kentucky said it was nearly evenly divided—that is, he had an indefinite way of making the calculation so that it counts neither for proof or disproof, because he claimed all the Republicans in both branches as of right by heredity. Then he claimed, I do not know whether by inheritance or purchase, all of the bolting Democrats there, known as Gold Democrats. He said there were a large number of them, which left the Democrats in a majority of about ten or a dozen. That is a difficult calculation to make.

Mr. DEBOE. Will the Senator allow me?

Mr. BLACKBURN. With pleasure.

Mr. DEBOE. Does the Senator ask me a question?

Mr. BLACKBURN. No; I thought the Senator wanted to ask one.

Mr. DEBOE. I understood the Senator to say that this board reported to the legislative committees.

Mr. BLACKBURN. No; I said the legislative committees reported.

Mr. DEBOE. They reported to the legislature?

Mr. BLACKBURN. Yes.

Mr. DEBOE. That the Democrats were elected?

Mr. BLACKBURN. Yes.

Mr. DEBOE. Did they state any reason for the decision which they reached?

Mr. BLACKBURN. I have not their report before me. If the Senator has it, I will very gladly incorporate it in my remarks.

Mr. DEBOE. I have it here.

Mr. BLACKBURN. Or the Senator may put it in his. I know those two joint committees reported in favor of the election of Goebel and Beckham, and I know the legislature ratified their finding by declaring Goebel elected governor and Beckham elected lieutenant-governor. Now, that was the question that was carried into the court, and clear through to the supreme court of the State of Kentucky it was held that the legislature was the exclusive tribunal clothed with power to determine this contest.

Mr. FAIRBANKS. It went to the Supreme Court.

Mr. SPOONER. That is what the Senator said.

Mr. BLACKBURN. Precisely; that is what it did.

Mr. SPOONER. And the court held it had no jurisdiction.

Mr. BLACKBURN. Precisely; but the action taken by the legislature was upheld as the law of the land by the supreme court of my State, and when brought before the Supreme Court of the United States by writ of error, it was affirmed there.

Mr. FAIRBANKS. But they did not pass upon the question as to whether the action of the legislature was in contravention of the rights of the Republican candidate or otherwise.

Mr. BLACKBURN. Why was not that question raised?

Mr. SPOONER. It could not be raised, could it?

Mr. BLACKBURN. Then all I have to say is this, and I venture that it will go without contradiction: There was not a step taken by the Democratic party in Kentucky during all of this contention that was not supported, upheld, and validated by the courts, both State and Federal. I might say further that——

Mr. DEBOE. Will the Senator yield to me?

Mr. BLACKBURN. In one moment. I might say further that no matter how much trouble was brought there, no matter how many laws were infracted and broken, no matter how many shots were fired and mobs were raised, no matter how much blood was spilled, there never was a word uttered, so far as the record goes, an act performed, a shot fired, or a murder committed by a member of the Democratic party.

From the beginning to the end of that lamentable affair no man has ever claimed, and no man who stands upon the record and regards the truth will dare to say, that there ever was a shot fired by anybody upon the Democratic side. No blood is chargeable to their account. No suspension of the writ of habeas corpus or the civil processes of the courts was ever charged to them. It was not by Democrats that the State house was turned into a military camp, and the supreme court of my State driven out of its chambers, and the records of that court left in the charge of a shoulder-strapped sergeant of a military company using the capitol for a military camp.

Mr. DEBOE. Will the Senator yield?

Mr. BLACKBURN. Yes; with pleasure.

Mr. DEBOE. That was the court, then, composed of all Democrats?

Mr. BLACKBURN. A majority.

Mr. DEBOE. At that time?

Mr. BLACKBURN. Yes.

Mr. DEBOE. Where do you get any evidence to show that the supreme court or the court of appeals was ever driven out or prevented from exercising the rights it had under the law?

Mr. BLACKBURN. I make a witness of my colleague. I prove it by him.

Mr. DEBOE. I say it was not so.

Mr. BLACKBURN. I say it was, and I say my colleague will not deny it.

Mr. DEBOE. The record will show.

Mr. BLACKBURN. It is true the military under the adjutant-general—General Collier—did not drive out the supreme court at the point of the bayonet and lift them out of their room, but he put that statehouse and statehouse yard under guard. I was there and saw it, and so did the Senator, because he did not leave there until the very afternoon before Goebel was murdered and shot down in cold blood. That happened on Tuesday morning, and the Senator left there on Monday night after dark.

Mr. DEBOE. The militia were not called out then.

Mr. BLACKBURN. No.

Mr. DEBOE. That is what I said.

Mr. BLACKBURN. The mob had control, though, as the Senator knows, and pitched their tents in the statehouse yard.

Mr. DEBOE. Do you mean the Democratic mob?

Mr. BLACKBURN. I mean the mob that your people brought from the mountains, 1,400 strong, Thursday morning before Goebel was murdered, on special trains furnished by the Louisville and Nashville Railroad people, without charge besides. Of the supreme court of that State, known as the court of appeals, at that time not one of its judges went into the statehouse yard because they could not get in except through a file of bayonets provided they had permission from General Collier, the Republican adjutant-general.

Mr. SPOONER. The Senator did not mean that the sergeant wore shoulder straps?

Mr. BLACKBURN. No; chevrons. I did not mean shoulder straps. He was a subordinate military officer, not ranking probably above a corporal.

Now, if all of these things of which the Senator complains were true, if Taylor was elected Governor of Kentucky, if he had a majority of the votes of that 2,000,000 people, he surely must have some friends left out there now. Why does not the Senator advise him and another one of his associates to quit hiding out as fugitives from justice and finding shelter under the ægis of the governor of the State of my friend from Indiana, under indictment as accessories before the fact to the foulest, most dastardly, cowardly, and cruel murder that ever disgraced the records of any party or any country?

Is he afraid that he can not get a fair trial? Is it possible that a man who in the last gubernatorial election had a majority of the votes in the whole State at his back for the high office of governor can not get a fair trial at the hands of 12 men in the State of Kentucky?

Suppose he did not get a fair trial. Does he not know—if he does not the Senator can inform him—the supreme court, the court of last resort in the State to-day, is Republican in its texture and its make-up; and if you have any doubt about its being a Republican court you can find some convincing arguments to that effect if you will notice that in every case where an appeal has been taken, where a man has been charged by indictment on the oaths of a grand jury with being implicated in Goebel's assassination and has been convicted, and an appeal is taken to that supreme court of Kentucky since that Republican majority has been on that bench, in every solitary instance the case has been reversed.

It looks like a majority of that court are pretty solid Republican. So if Taylor and Finley and the balance of the fugitives from justice who are becoming citizens of Indiana, our neighbor State, will go back and answer to those indictments under which they are resting to-day they have the assurance in advance that they have a partisan Republican supreme court to appeal to in the final resort, that never has been yet appealed to by a suspected assassin in vain.

Now, I do not know that I care to say anything more, Mr. President, except one thing. When the Senator started out I put this almost blank sheet, as you will see, in front of me to take notes of what I thought would be necessary to reply to. But I found none to make except one—I did make one note—and I want to use it now, not for my protection or benefit, but for the benefit of my colleague.

He stated that a majority of the citizens of Louisville who asked for troops there on the day of election were not Republicans, were not Gold Democrats, but were Bryan Democrats. I am sure that that was a hasty utterance and that my colleague did not intend to say that. I simply call his intention to it in order that he may not allow it to appear that way in the RECORD, because I would not have him appear to such disadvantage before his people.

Mr. DEBOE. Will the Senator yield?

Mr. BLACKBURN. With pleasure.

Mr. DEBOE. I did not mean to say all.

Mr. BLACKBURN. No, you said a majority.

Mr. DEBOE. I think that is about correct.

Mr. BLACKBURN. That a majority of those asking for troops were Bryan Democrats?

Mr. DEBOE. I think so.

Mr. BLACKBURN. I have done my part toward saving my colleague from the disadvantage at which he will appear before Kentucky's people. If he will not accept my friendly service it is not my fault.

Mr. DEBOE. There were a thousand men, Bryan's friends, in the city of Louisville who were very strongly against Mr. Goebel, as the Senator knows.

Mr. BLACKBURN. No, I do not know that. I know this: He said there was no evidence of the presence of troops parading in the streets of Louisville on the day of the election with Gatling guns to prevent anybody from voting. I stated six weeks or about two months ago that the only evidence we had of that was that the registration taken a few days before the election, as the law required, showed that in round numbers there were 10,000 more men who took the trouble to register at that time to vote in Louisville than did vote when the day of election came and the military paraphernalia was employed.

I have nothing more to say, Mr. President.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of

the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 1225) granting an increase of pension to Clara W. McNair;

A bill (S. 3320) granting an increase of pension to Adelaide G. Hatch;

A bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service;

A bill (S. 4611) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania;

A bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year;

A bill (S. 5506) granting an increase of pension to Clayton P. Van Houten;

A bill (S. 5856) granting an increase of pension to Elizabeth A. Turner; and

A joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

ORDER OF BUSINESS.

Mr. HALE. It is almost 5 o'clock.

Mr. DEBOE. Will the Senator from Maine allow me just a moment?

Mr. HALE. Let me make a statement; then I will yield to the Senator.

It is evident that neither the report of the conferees upon the naval bill or the deficiency bill, the only two remaining appropriation bills, will reach this Chamber for several hours. I do not think under the circumstances it is worth the while to wait longer. I have been asking Senators not to move to adjourn until I could discover the situation in the House. I rose for the purpose of moving an executive session, and before that session I will move that when the Senate adjourns it adjourn to meet at 11 o'clock Monday morning. That will give us a long day's session and an opportunity for dealing with these reports and with the other report if it comes in from the conferees on the Philippine government bill. If the reports come in there is a very good prospect that we may adjourn either during the day Monday or early the next day. I think the appropriation bills will not delay final adjournment, but I think we gain nothing by waiting any longer to-night.

I yield for the present to the Senator from Kentucky.

ELECTION OF UNITED STATES SENATORS.

The Senate resumed the consideration of the amendment intended to be proposed by Mr. DEBOE to the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution providing for the election of Senators of the United States.

Mr. DEBOE. Mr. President, just a word or two in reply to what my friend said.

Before I notice that, there is one question which I desire to speak of, that is the question of tissue ballots. The evidence was conflicting as to whether there were tissue ballots used or not, but the record shows that there were more Democratic tissue ballots than there were Republican ballots.

The Democratic board threw out the counties of Magoffin, Martin, and Jackson on charge of thin ballots, and Jefferson on interference of militia. The evidence showed that in Graves, Wolfe, Powell, and Breathitt counties there were thinner ballots used, with a Democratic majority of 3,111, than there were in the Republican counties of Magoffin, Martin, and Johnson, with a Republican majority of 1,187.

Now, Mr. President, it is true that Governor Taylor declared martial law and adjourned the legislature after the assassination of Mr. Goebel, and I say that the assassination of Mr. Goebel was a great crime on that State. The reason he did that was on account of the lawless condition surrounding the legislature and the city of Frankfort. It was absolutely in a state of insurrection. That whole affair had been brought about by the wrongful acts of the Democratic party during the two or three years prior thereto and at that time. That was the reason why. They had threatened to kill, as I said a while ago, two Republican attorneys if they attempted to argue that case. I will read from the record what that statement was, and then I shall close.

Mr. PETTUS. Mr. President, will the Senator allow me to ask him a question?

Mr. DEBOE. Yes, sir.

Mr. PETTUS. I desire to know whether the constitution of Kentucky authorizes the governor to declare martial law?

Mr. DEBOE. I think it does. A great many of the ablest lawyers in Kentucky think it does. Democratic lawyers of great ability have so expressed themselves.

I am reading from the transcript of the record, volume 1, page 31:

"Defendants further say that the said committees finally concluded the hearing of evidence on January 29, and ordered that the argument should begin on the next day, to wit, January 30, allowing each side ten hours to argue the contest, and ordering that the argument on the first day should not in all exceed six hours. On the next day, to wit, on January 30, being the day on which the argument was to begin, and just before the time arrived for the beginning of said argument, the said contestant, William Goebel, was assassinated, that is to say, he on that day received the wound from which he afterwards died.

"The said wounding of the said Goebel instantly caused great and extraordinary excitement in the city of Frankfort, and feeling and passion in the people and members of the general assembly ran very high, so that for a time there was serious danger of mob violence, and threats were made against and communicated to the attorneys for the contestees to the effect that two of them would be killed if they attempted to argue said contests.

"The communications of these threats were not made by irresponsible persons or anonymous communications, but some of the counsel for the contestants stated to the counsel for the contestees that they felt it due to themselves, as men and as lawyers, to notify the counsel for the contestees that in their judgment two of the said counsel for contestees (naming them) would be killed if they appeared before the said committee to argue the said contests."

Now, Mr. President, the civil authorities were unable to protect the lives of men in the discharge of important duties. As I have said, a state of insurrection existed in the city of Frankfort as great as it did during the civil war. The reason why Taylor and Finley do not return to Kentucky is on account of the corrupt methods used by the courts. Justice has flown away and corrupt politics absolutely dominate the courts. That is the reason why they do not come back there. They would stand no more chance to get justice in those courts than a white man would among a lot of wild Indians.

I ask the Senator why $100,000 reward was offered to find the assassin. Every citizen of that State wanted the assassin found. But, Mr. President, the reason they appropriated $100,000 was not to secure and to punish the assassin, but it was for the purpose of using that matter to advance the interests of the Democratic party, as it has been used ever since as a political scheme to reflect upon honest men. Witness after witness has confessed that they swore falsehoods; that they had been bribed by a certain gentleman who was sent there for a special purpose to aid in the prosecution of these cases.

Mr. BLACKBURN. Will the Senator allow me a moment?

Mr. DEBOE. Yes, sir.

Mr. BLACKBURN. I want to ask the Senator whether he thinks it was necessary to use that appropriation of $100,000 or any other appropriation or argument to advance the interests of the Democratic party in Kentucky. Does he not know that when the shot rang out which cost Goebel his life, it sealed the doom of the Republican party in Kentucky for at least one generation to come, as witnessed by the early retirement of our genial friend from his place in this Senate, which we all regret and deplore?

Mr. DEBOE. That is the statement, of course, of my distinguished colleague. The Republican party was not responsible for the death of Mr. Goebel.

Mr. President, the people of Kentucky and, I think, of almost all the United States are pretty familiar with the conduct of the courts in the various trials which have been held there. I will say to the Senator that if he will not select Goebelite jurors, but will select honest, impartial men, those men are willing any day to return and have a fair trial, if they will have a judge that is not dominated absolutely by his political prejudices to preside over the trial.

The judge who presided over those cases arbitrarily ruled in the interest of the prosecution and against the rights of the defendants, and the court of appeals of the Commonwealth has reversed his ruling time and again. I say that the reason why those men are not back there is because they can not get justice. They would come any day if they could have a fair trial.

Mr. BLACKBURN. Mr. President, I only want to say in this connection the Senator does not know Judge Cantrill, the nisi prius judge in that capital jurisdiction in Kentucky, as well nor as intimately as I have known him. I venture the assertion, and it can be established by the testimony of every good citizen of Kentucky who knows him, without regard to politics, that there is no more learned judge, no truer, higher gentleman, no better man either in my State or any other, than that nisi prius judge before whom these trials were had.

But suppose it were true, as the Senator from Kentucky charges, that Taylor and his accomplices could not get a fair trial in the

circuit court or trial courts in my State, I repeat that as the court of last resort they could go to the court of appeals or the supreme court of Kentucky, which has a majority of Republican judges on it to-day, and which, since it was so constituted, has never failed to set aside every verdict that ever convicted any man charged with the killing of Goebel. No appeal has ever been taken from the trial court where conviction was had of one of these alleged assassins that has not been reversed by the supreme court of the State since that court has been Republican, as it is to-day.

I wish very much that I had the power. I would gladly agree here and now that Taylor and Finley and the balance of these fugitives from justice should be tried under a change of venue, if it were permissible or legal, not before a Kentucky court nor a Kentucky jury, but before an Indiana judge and an Indiana jury or a Massachusetts judge and a Massachusetts jury.

Mr. DEBOE. We will agree to that.

Mr. BLACKBURN. Wherever they were tried I would be content with the verdict, and so would the people of Kentucky.

Mr. DEBOE. Will the Senator yield a minute?

Mr. BLACKBURN. Certainly.

Mr. DEBOE. I will agree for those gentlemen that that be done and that the cases shall be transferred before some honorable judge.

Mr. BLACKBURN. I thought my colleague among his various learned professions embraced that of a lawyer. I knew he was a doctor, and I thought he was a lawyer also. I thought he knew that it was not in the power of mortal man to change the venue and carry a criminal case out of one Commonwealth into another.

Mr. DEBOE. I understand that. I meant, of course, in the same State.

Mr. BLACKBURN. I would be perfectly willing to have it tried in any State in New England, and I would not care whether the jurors were Republicans or Democrats, just so they were honest men, and I would be assured of the result.

HOUR OF MEETING.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet at 11 o'clock on Monday next.

The motion was agreed to.

CONTROL OF DOGS IN THE DISTRICT.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the amendment of the House of Representatives to the bill (S. 4792) relative to the control of dogs in the District of Columbia, to report it with a recommendation that the Senate concur in the amendment of the House of Representatives.

The PRESIDENT pro tempore. The Senator from New Hampshire reports from the Committee on the District of Columbia the amendment of the House of Representatives to the bill named by him, and asks for its present consideration. Is there objection?

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives, which was to strike out all after the enacting clause and insert:

That sections 3, 4, and 9 of the act of Congress approved June 19, 1878, entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," be, and the same are hereby, amended so as to read as follows:

"SEC. 3. That the pound master of the District of Columbia shall, during the entire year, seize all dogs found running at large without the tax tag issued by the collector aforesaid attached, and all female dogs in heat found running at large, and shall impound the same; and if within forty-eight hours the same are not redeemed by the owners thereof by the payment of $2 they shall be sold or destroyed, as the pound master may deem advisable; and any sale made by virtue hereof shall be deemed valid to all intents and purposes in all courts of the District of Columbia.

"SEC. 4. That any dog wearing the tax tag hereinbefore provided for, except female dogs in heat, shall be permitted to run at large within the District of Columbia, and any dog wearing the tax tag hereinbefore provided for shall be regarded as personal property in all the courts of said District, and any person injuring or destroying the same shall be liable to a civil action for damages, which, upon proof of said injuring or killing, may be awarded in a sum equal to the value usually put upon such property by persons buying and selling the same, subject to such modifications as the particular circumstances of the case may make proper.

"SEC. 9. That if any owner or possessor of a fierce or dangerous dog shall permit the same to go at large in the District of Columbia, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants, he shall, upon conviction thereof, be punished by a fine not exceeding $20; and if such animal shall attack or bite any person, the owner or possessor thereof shall, on conviction, be punished by a fine not exceeding $50, and in addition to such punishment the court shall adjudge and order that such animal be forthwith delivered to the pound master, and said pound master is hereby authorized and directed to kill such animal so delivered to him.

"If any owner or possessor of a female dog shall permit her to go at large in the District of Columbia while in heat he shall, upon conviction thereof, be punished by a fine not exceeding $20."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, June 30, 1902, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 28, 1902.

COLLECTOR OF CUSTOMS.

Walter L. Robb, of Oregon, to be collector of customs for the district of Oregon, in the State of Oregon, to succeed John Fox, whose term of office has expired by limitation.

SURVEYOR-GENERAL.

Ernest G. Eagleson, of Boise, Idaho, to be surveyor-general of Idaho, vice Joseph Perrault, term expired.

POSTMASTERS.

Horace H. Dubendorff, to be postmaster at Alamosa, in the county of Conejos and State of Colorado, in place of Horace H. Dubendorff. Incumbent's commission expired March 22, 1902.

Samuel M. Johnson, to be postmaster at Carson, in the county of Pottawattamie and State of Iowa. Office becomes Presidential July 1, 1902.

Oliver H. P. Green, to be postmaster at Orion, in the county of Oakland and State of Michigan. Office becomes Presidential July 1, 1902.

Charles H. Whitaker, to be postmaster at North Conway, in the county of Carroll and State of New Hampshire. Office becomes Presidential July 1, 1902.

Kenneth E. Struble, to be postmaster at Shepherd, in the county of Isabella and State of Michigan. Office becomes Presidential July 1, 1902.

Carrie Newton, to be postmaster at Benwood, in the county of Marshall and State of West Virginia. Office became Presidential April 1, 1902.

Anna L. Poole, to be postmaster at Carthage, in the county of Panola and State of Texas. Office became Presidential January 1, 1902.

Loren Z. Burdick, to be postmaster at Seabreeze, in the county of Volusia and State of Florida, in place of Mary N. Herrick, removed.

Frank E. Posey, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana, in place of James B. Burnett, deceased.

Homer N. Boyle, to be postmaster at McGregor, in the county of Clayton and State of Iowa, in place of Alonzo C. Boyle, resigned.

Eliza B. Lockwood, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio, in place of Malcolm J. Lockwood, deceased.

Jonathan McGrath, to be postmaster at Woodward, in the county of Woodward and Territory of Oklahoma, in place of Edward B. Roll, removed.

Charles K. Bailey, to be postmaster at Bethel, in the county of Fairfield and State of Connecticut, in place of Charles K. Bailey. Incumbent's commission expires July 1, 1902.

George A. Lemmon, to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut, in place of George A. Lemmon. Incumbent's commission expired June 22, 1902.

William W. Ward, to be postmaster at Dayton, in the county of Columbia and State of Washington, in place of William W. Ward. Incumbent's commission expired June 22, 1902.

Edward G. Armstrong, to be postmaster at Bartlett, in the county of Williamson and State of Texas, in place of Edward G. Armstrong. Incumbent's commission expired March 31, 1902.

Burtis W. Johnson, to be postmaster at Corvallis, in the county of Benton and State of Oregon, in place of Burtis W. Johnson. Incumbent's commission expired January 10, 1902.

John G. Gorth, to be postmaster at Oconomowoc, in the county of Waukesha and State of Wisconsin, in place of William A. Jones. Incumbent's commission expired May 4, 1902.

Leonard A. Millspaugh, to be postmaster at Winfield, in the county of Cowley and State of Kansas, in place of Edwin P. Greer. Incumbent's commission expires July 1, 1902.

Joshua Stevens, to be postmaster at Macon, in the county of Noxubee and State of Mississippi, in place of Joshua Stevens. Incumbent's commission expired June 3, 1902.

Lot Livermore, to be postmaster at Pendleton, in the county of Umatilla and State of Oregon, in place of Charles E. Fell. Incumbent's commission expired January 10, 1902.

Edgar J. Graff, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania, in place of Edgar J. Graff. Incumbent's commission expires July 7, 1902.

Charles A. Parker, to be postmaster at West Rutland, in the county of Rutland and State of Vermont, in place of Charles A. Parker. Incumbent's commission expires June 28, 1902.

Peter Danielson, to be postmaster at Medford, in the county of Taylor and State of Wisconsin, in place of Frank M. Perkins. Incumbent's commission expired May 10, 1902.

Frank E. Fritcher, to be postmaster at Nashua, in the county of Chickasaw and State of Iowa, in place of Frank E. Fritcher. Incumbent's commission expires July 7, 1902.

Joseph H. Turner, to be postmaster at South Bend, in the county of Pacific and State of Washington, in place of D. Jay Olds. Incumbent's commission expires July 7, 1902.

Alfred A. True, to be postmaster at Highland, in the county of San Bernardino and State of California. Office becomes Presidential July 1, 1902.

Reuel W. Norton, to be postmaster at Kennebunk Port, in the county of York and State of Maine. Office becomes Presidential July 1, 1902.

James M. King, to be postmaster at White Bear Lake, in the county of Ramsey and State of Minnesota. Office becomes Presidential July 1, 1902.

George B. Craft, to be postmaster at Bellefourche, in the county of Butte and State of South Dakota. Office becomes Presidential July 1, 1902.

Jesse W. Lawton, to be postmaster at Arapaho, in the county of Custer and Territory of Oklahoma. Office becomes Presidential July 1, 1902.

Chalmer R. Higdon, to be postmaster at Billings, in the county of Noble and Territory of Oklahoma. Office becomes Presidential July 1, 1902.

James H. Fluhart, to be postmaster at Continental, in the county of Putnam and State of Ohio. Office became Presidential April 1, 1902.

Harry W. Hawkins, to be postmaster at Sycamore, in the county of Wyandot and State of Ohio. Office became Presidential January 1, 1902.

Charles T. La Cost, to be postmaster at Bryan, in the county of Williams and State of Ohio, in place of Charles T. La Cost. Incumbent's commission expired March 22, 1902.

Edmund L. Vale, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio, in place of Edmund L. Vale. Incumbent's commission expired May 2, 1902.

Charles J. Thompson, to be postmaster at Defiance, in the county of Defiance and State of Ohio, in place of Charles J. Thompson. Incumbent's commission expired May 10, 1902.

John Vogt, to be postmaster at Deshler, in the county of Henry and State of Ohio, in place of John Vogt. Incumbent's commission expired March 16, 1902.

Alonzo L. Jones, to be postmaster at Greenville, in the county of Darke and State of Ohio, in place of Alonzo L. Jones. Incumbent's commission expired May 24, 1902.

Henry S. Enck, to be postmaster at Leipsic, in the county of Putnam and State of Ohio, in place of Henry S. Enck. Incumbent's commission expired May 2, 1902.

James B. Fisher, to be postmaster at Marion, in the county of Marion and State of Ohio, in place of James B. Fisher. Incumbent's commission expired May 24, 1902.

Robert F. Dent, to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio, in place of Robert F. Dent. Incumbent's commission expired May 24, 1902.

Robert V. Jones, to be postmaster at Sidney, in the county of Shelby and State of Ohio, in place of Robert V. Jones. Incumbent's commission expired May 24, 1902.

William H. Frater, to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio, in place of William H. Frater. Incumbent's commission expired May 10, 1902.

Wilbert C. Davis, to be postmaster at Wapakoneta, in the county of Auglaize and State of Ohio, in place of Wilbert C. Davis. Incumbent's commission expired March 9, 1902.

William W. Scott, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio, in place of William W. Scott. Incumbent's commission expired May 10, 1902.

J. Knox Corbett, to be postmaster at Tucson, in the county of Pima and Territory of Arizona, in place of George W. Cheney. Incumbent's commission expired June 13, 1902.

Mark L. Harper, to be postmaster at Eureka, in the county of Woodford and State of Illinois, in place of Homer E. Darst. Incumbent's commission expired May 24, 1902.

Sylvanus S. Thompson, to be postmaster at Marseilles, in the county of Lasalle and State of Illinois, in place of Sylvanus S. Thompson. Incumbent's commission expires July 1, 1902.

Moses C. McMurry, to be postmaster at Saybrook, in the county of McLain and State of Illinois, in place of Moses C. McMurry. Incumbent's commission expired May 31, 1902.

Leroy H. Camp, to be postmaster at Laporte City, in the county of Black Hawk and State of Iowa, in place of Leroy H. Camp. Incumbent's commission expired June 24, 1902.

John Q. Saint, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa, in place of John Q. Saint. Incumbent's commission expired June 10, 1902.

Gordon R. Badgerow, to be postmaster at Sioux City, in the county of Woodbury and State of Iowa, in place of Edward P. Heizer. Incumbent's commission expired January 10, 1902.

Fred W. Willard, to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas, in place of Daniel R. Anthony, jr. Incumbent's commission expired June 22, 1902.

Marion A. Humphreys, to be postmaster at Salisbury, in the county of Wicomico and State of Maryland, in place of Elijah S. Adkins. Incumbent's commission expired June 13, 1902.

John A. Thayer, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts, in place of John A. Thayer. Incumbent's commission expires July 7, 1902.

Byron Truell, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts, in place of Sidney H. Brigham. Incumbent's commission expires July 7, 1902.

Elbridge Nash, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts, in place of Elbridge Nash. Incumbent's commission expired June 2, 1902.

Louis C. Hyde, to be postmaster at Springfield, in the county of Hampden and State of Massachusetts, in place of Louis C. Hyde. Incumbent's commission expired June 22, 1902.

Winthrop A. Hayes, to be postmaster at Rochester, in the county of Oakland and State of Michigan, in place of Winthrop A. Hayes. Incumbent's commission expires July 7, 1902.

T. W. Cole, to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska, in place of Marcellus S. Storer. Incumbent's commission expires July 7, 1902.

William Budge, to be postmaster at Grand Forks, in the county of Grand Forks and State of North Dakota, in place of William Budge. Incumbent's commission expired June 15, 1902.

David Larin, to be postmaster at Mayville, in the county of Traill and State of North Dakota, in place of David Larin. Incumbent's commission expires July 7, 1902.

Edward Hirsch, to be postmaster at Salem, in the county of Marion and State of Oregon, in place of Edward Hirsch. Incumbent's commission expired June 16, 1902.

Wilburn M. McCoy, to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma, in place of Wilburn M. McCoy. Incumbent's commission expires July 1, 1902.

John L. Clark, to be postmaster at Kenton, in the county of Hardin and State of Ohio, in place of John L. Clark. Incumbent's commission expired June 15, 1902.

William M. Powell, to be postmaster at Hazleton, in the county of Luzerne and State of Pennsylvania, in place of William M. Powell. Incumbent's commission expires July 8, 1902.

Catharine A. Endsley, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania, in place of Catharine A. Endsley. Incumbent's commission expired April 21, 1902.

Frank S. Myers, to be postmaster at Redfield, in the county of Spink and State of South Dakota, in place of Frank S. Myers. Incumbent's commission expired May 4, 1902.

James H. Neil, jr., to be postmaster at Shelbyville, in the county of Bedford and State of Tennessee, in place of James H. Neil, jr. Incumbent's commission expired May 10, 1902.

Edward H. Blanton, to be postmaster at Paris, in the county of Henry and State of Tennessee, in place of Daniel M. Nobles. Incumbent's commission expires July 7, 1902.

William H. Harvey, to be postmaster at Belton, in the county of Bell and State of Texas, in place of William H. Harvey. Incumbent's commission expired January 10, 1902.

Robert T. Bartley, to be postmaster at Ladonia, in the county of Fannin and State of Texas, in place of Robert T. Bartley. Incumbent's commission expires July 4, 1902.

Carlos C. Bancroft, to be postmaster at Montpelier, in the county of Washington and State of Vermont, in place of Lorenzo W. Shedd. Incumbent's commission expires June 28, 1902.

Franklin B. Blue, to be postmaster at Grafton, in the county of Taylor and State of West Virginia, in place of James W. Holt. Incumbent's commission expired January 19, 1902.

John W. Matlick, to be postmaster at Keyser, in the county of Mineral and State of West Virginia, in place of John W. Matlick. Incumbent's commission expired June 13, 1902.

Henry Dryhurst, to be postmaster at Meriden, in the county of New Haven and State of Connecticut, in place of Henry Dryhurst. Incumbent's commission expires July 6, 1902.

R. M. Hamer, to be postmaster at Emporia, in the county of Lyon and State of Kansas, in place of William F. Ewing. Incumbent's commission expired January 10, 1902.

L. H. Boyd, to be postmaster at Russell, in the county of Russell and State of Kansas, in place of Charles E. Hall. Incumbent's commission expired March 4, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 28, 1902.

APPOINTMENTS IN THE ARMY.

Capt. Joseph C. Byron, quartermaster, to be captain of infantry, with rank from March 2, 1899.

Capt. Chauncey B. Baker, Infantry Arm (detailed as quartermaster), to be quartermaster with the rank of captain, March 2, 1899.

John P. Kelly, of Florida, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, June 26, 1902.

MARSHALS.

Walter F. Matthews, of Oregon, to be United States marshal for the district of Oregon.

Frank S. Elgin, of Tennessee, to be United States marshal for the western district of Tennessee.

COLLECTORS OF CUSTOMS.

William Mahone, of Virginia, to be collector of customs for the district of Petersburg, in the State of Virginia.

Walter L. Robb, of Oregon, to be collector of customs for the district of Oregon.

Isaac L. Patterson, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon.

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina.

INDIAN AGENT.

William H. Smead, of Montana, to be agent for the Indians of the Flathead Agency, in Montana.

INDIAN INSPECTOR.

William H. Code, of Mesa, Ariz., to be an Indian inspector (irrigation engineer).

RECEIVERS OF PUBLIC MONEYS.

Frank Bacon, of Nebraska, to be receiver of public moneys at North Platte, Nebr., to take effect August 8, 1902.

Eugene B. Hyde, of Spokane, Wash., to be receiver of public moneys at Spokane, Wash.

REGISTERS OF THE LAND OFFICE.

Henry V. Hinman, of Roslyn, Wash., to be register of the land office at North Yakima, Wash.

George E. French, of Nebraska, to be register of the land office at North Platte, Nebr., to take effect August 8, 1902.

POSTMASTERS.

James E. Karns, to be postmaster at Springdale, in the county of Allegheny and State of Pennsylvania.

A. M. Smith, to be postmaster at Brunswick, in the county of Glynn and State of Georgia.

Allen P. Dickey, to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania.

Lucian T. Claybaugh, to be postmaster at Donora, in the county of Washington and State of Pennsylvania.

Andrew S. Warner, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania.

George B. Crooker, to be postmaster at Anthony, in the county of Harper and State of Kansas.

Charles M. Junkin, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa.

Bennett M. Grove, to be postmaster at Liberty, in the county of Union and State of Indiana.

Frank J. Davis, to be postmaster at Larned, in the county of Pawnee and State of Kansas.

George W. Watson, to be postmaster at Kinsley, in the county of Edwards and State of Kansas.

James A. Arment, to be postmaster at Dodge City, in the county of Ford and State of Kansas.

Rufus F. Bond, to be postmaster at Sterling, in the county of Rice and State of Kansas.

Benjamin A. Allison, to be postmaster at McPherson, in the county of McPherson and State of Kansas.

Martin L. Grimes, to be postmaster at Lyons, in the county of Rice and State of Kansas.

George H. Pond, to be postmaster at Ann Arbor, in the county of Washtenaw and State of Michigan.

Isaac N. Strawn, to be postmaster at Hopkins, in the county of Nodaway and State of Missouri.

Mark L. Doughty, to be postmaster at Farmington, in the county of St. Francois and State of Missouri.

William E. Osmun, to be postmaster at Montague, in the county of Muskegon and State of Michigan.

Frank B. Lamson, to be postmaster at Buffalo, in the county of Wright and State of Minnesota.

Frederick G. Ellison, to be postmaster at Springfield, in the county of Windsor and State of Vermont.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 28, 1902.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 268. An act authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith;

S. 3850. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor;

S. 5732. An act establishing a regular term of United States district court in Lewisburg, W. Va.;

S. 5914. An act establishing a regular term of United States district court in Addison, W. Va.;

S. 5956. An act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes; and

S. 6091. An act extending the time for making final proof in desert-land entries in Yakima County, State of Washington.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8644. An act granting a pension to John W. Thomas;

H. R. 9501. An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

H. R. 10824. An act granting an increase of pension to George E. Bump;

H. R. 11656. An act to incorporate the Society of the Army of Santiago de Cuba; and

H. R. 12026. An act granting an increase of pension to Baley W. Small.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House was requested:

H. R. 12805. An act requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes;

H. R. 12549. An act granting an increase of pension to Ransom Simmons;

H. R. 12086. An act to extend the time for the construction of the East Washington Heights Traction Railroad Company;

H. R. 11400. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

H. R. 7013. An act granting an increase of pension to Jason E. Freeman;

H. R. 5809. An act for the further distribution of the reports of the Supreme Court; and

H. R. 619. An act providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery.

A further message from the Senate had announced that the Senate had passed without amendment bills of the following titles:

H. R. 10775. An act for the relief of Charles E. Sapp;

H. R. 14082. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;

H. R. 15003. An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. BABCOCK. Mr. Speaker, I call up House joint resolution 198, giving authority to the Commissioners of the District of

Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes, incident to said encampment, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of House joint resolution 198. This resolution was read yesterday, so that if there is no objection the reading of it in full will be waived.

There was no objection.

The resolution is as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the encampment of the Grand Army of the Republic, which will take place in the District of Columbia during the month of October, 1902, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication; and said Commissioners are authorized and directed to establish a special schedule of fares applicable to public conveyances in said District during the period aforesaid.

Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said District, be liable for such offense to a fine not to exceed $100, and in default of payment of such fine to imprisonment in the workhouse (or jail) of said District for not longer than sixty days. This resolution shall take effect immediately upon its approval, and the sum of $11,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of this section 1 of this joint resolution, $1,000 of which shall be available for the construction, maintenance, and operation of public-comfort stations and information booths, under the direction of said Commissioners.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the entertainment of the Thirty-sixth National Encampment of the Grand Army of the Republic to stretch suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after October 15, 1902, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before October 20, 1902: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *Provided further*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation.

SEC. 3. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to Cuno H. Rudolph, chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets of the city of Washington, D. C., on the occasion of the encampment of the Grand Army of the Republic in the month of October, 1902, such of the United States ensigns, flags (except battle flags), signal numbers, etc., belonging to the Government of the United States, as in their judgment may be spared and are not in use by the Government at the time of the encampment. The loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 29th day of September and shall be returned by him by the 15th day of October, 1902.

SEC. 4. That for the protection and return of said ensigns, flags, signal numbers, etc., the said Cuno H. Rudolph, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the penalty of $50,000, to secure just payment for any loss or damage to said ensigns, flags, and signal numbers not necessarily incident to the use specified.

SEC. 5. That the Secretary of War is hereby authorized to grant permits to the citizens' executive committee for the entertainment of the Grand Army of the Republic for the use of any reservation or other public spaces in the city of Washington on the occasion of the thirty-sixth national encampment in the month of October, 1902, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces, or statuary therein; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the commissioner of public buildings and grounds, and the building inspector of the District of Columbia.

SEC. 6. That the Secretary of War is hereby authorized to loan to Dr. D. Percy Hickling, chairman of the medical department of the thirty-sixth national encampment of the Grand Army of the Republic, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of the encampment of the Grand Army of the Republic in the month of October, 1902, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: *Provided*, That the said Dr. D. Percy Hickling, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MOON. Mr. Speaker, reserving the right to object, I ask permission to be heard for five minutes.

The SPEAKER. The gentleman from Tennessee, reserving the right to object, asks permission to be heard for five minutes. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, on the 14th of March last, the Committee on Territories reported to this House a bill to create the Territory of Jefferson and establish a temporary government therefor, and for other purposes. It was a unanimous report of the Committee on Territories. The conditions in the Territory demand immediate action. By authority of that committee I was directed to obtain a hearing on this bill in this House. The bill went to the Union Calendar, as a matter of course, under the rules. It became necessary, therefore, that the Speaker be approached on the question. During all of that time the Speaker has insisted that probably some time would be given a little later for the consideration of this bill.

It was not deemed advisable to press this question upon him while more important legislation was pending; but after every bill upon the Calendar had been disposed of, of greater importance than this one, which involves the rights of 400,000 people in the Territory—where there is enthroned neither law nor order, where there are no schools for the children, no asylums for the insane, no local courts for the protection of citizenship, no organized government—the Committee on Territories thought that this bill ought to be heard. Yet the Committee on Rules and the Speaker have refused to fix a day, either at this session or at the next session, for the consideration of this bill; and he has really refused to hear a motion in this House to have a day fixed. The question arises, then, Why is it that the Speaker of this House and the Committee on Rules are unwilling to give a hearing to 400,000 American citizens deprived of law and order within the very heart of this Republic?

Mr. RICHARDSON of Tennessee. Mr. Speaker, if my colleague will allow me, without divulging any secrets of that committee I can assure him that two members of it have not refused.

Mr. MOON. The minority members, I presume.

Mr. RICHARDSON of Tennessee. Here is one of them.

Mr. MOON. The only reason assigned by the Speaker to the chairman of this committee and others for refusing to hear this bill is, as I understand it, that the Speaker had protests from the Territory against its consideration. I submit that the Speaker of this House ought not to listen to the protests of a few of the people of the Territory in view of the facts now upon record here and the unanimous report of this committee. In the speech of the gentleman from Indiana, in an appendix thereto, appears the indorsement of every paper in the Territory in favor of this bill. I have in my possession the records of the town meetings of nearly all the towns of the Territory asking for it.

The Republican and Democratic clubs have asked for it. I feel justified in saying upon this floor that 90 per cent of the people of that Territory favor this bill. If that were not true, is not this committee entitled to some respect at the hands of the Speaker in considering this question? Will the Speaker assume to say that he should suppress a hearing upon this question against the unanimous report of this committee, in view of the facts in this record? I submit that it is not just to the committee, not just to the people of the Territory. It is not just to this House for the Speaker to exercise arbitrarily the power that is thus placed in his hands to suppress legislation which affects the rights, the liberty, and property of 400,000 American citizens. Then I feel that I am justified, sir, representing that committee or representing myself alone as a member upon this floor, having no personal interest in this, to object in this House to unanimous consent for the consideration of any measure of less importance until a hearing is had or time is fixed for a hearing on a matter of this character.

I have not undertaken to press this matter before the House while other matters of greater importance were pending; but now as it stands it is the most important bill upon this Calendar. Under the rules it can not be taken up except by the consent of the Speaker. In view of the fact that there is no opposition in the Territory except from the Federal officeholders, who would reap more profit under the present conditions than under changed ones, and in view of the fact that there is no other opposition, as I said, than this——

The SPEAKER. The time of the gentleman has expired.

Mr. MOON. May I ask for just a moment more?

The SPEAKER. The question is on consideration of the resolution just reported.

Mr. MOON. I will ask the House for one moment more, to state——

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. I ask that the gentleman have one minute more.

Mr. RICHARDSON of Tennessee. Mr. Speaker, unanimous consent is asked that the gentleman have a minute more.

The SPEAKER. The gentleman asks unanimous consent that his colleague be allowed one minute more. Is there objection?

There was no objection.

Mr. MOON. The additional objection, then, comes from the railroads, who pay no taxes under present conditions and would have to pay taxes under the bill, and the Federal officeholders. I would not assume to say that the Speaker was influenced by anything but improper motives; but these facts are now before the House——

Mr. GROSVENOR. I call the gentleman to order. I presume he wants to correct his language. I am sure he did not intend to use the language he did use.

Mr. MOON. What is the language the gentleman refers to?

Mr. GROSVENOR. You said you would not assume that the Speaker was actuated by anything but improper motives.

Mr. MOON. But proper motives, I meant to say.

Mr. GROSVENOR. That is what I supposed.

Mr. MOON. Mr. Speaker, as I said, I ought to object to the consideration of any other measures under these circumstances; but it is at the close of the session, when many gentlemen on both sides have important measures, and I feel that perhaps it would be an injustice to them, in view of the legislation they desire, to press this question of objection now. But I desire to give notice to this House that at the meeting of the next session no legislation shall be enacted by unanimous consent until a hearing is had upon this measure.

The SPEAKER. Is there further objection?

There was no objection.

The amendments were agreed to.

The resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the the table.

CONSIDERATION OF CONFERENCE REPORTS.

Mr. CANNON. Mr. Speaker, before we proceed with the special order, I desire to make a statement, by way of a notice. Immediately on the conclusion of this case the House will be asked to consider the conference report on the District of Columbia appropriation bill.

Mr. FOSS. I desire to give a similar notice. Following that, I will ask the House to consider the conference report on the naval appropriation bill.

CONTESTED-ELECTION CASE—HORTON AGAINST BUTLER, TWELFTH DISTRICT OF MISSOURI.

And then, under the special order, the House resumed consideration of the contested-election case of William M. Horton *v.* James J. Butler, from the Twelfth Congressional district of the State of Missouri.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] is recognized to conclude the remarks which he began yesterday.

Mr. BARTHOLDT. Slightly changing the language of the minority report, this, Mr. Speaker, is the time "to discuss and consider what rights" the Republican party "has left in St. Louis, if any." Yes; and not only the Republican party, but the people, the taxpayers, and our decent citizens generally. Our fight is their fight. Our defeat is their defeat, and our success will be the triumph of the people's rights over a political oligarchy the like of which can not be duplicated anywhere on American soil.

There was a time when the people of the great metropolis of the Mississippi Valley enjoyed the blessings of home rule the same as the people of other large cities do. But that was long ago; it was in the days of Republican supremacy. One by one these privileges of self-government were taken from us by the dominant party until to-day we are stripped of the last vestige of them. The rights of a tax-paying municipal sovereignty are now exercised by so-called State boards appointed by the governor and responsible to no one but the governor.

Our elections have become a farce because the official head of the Democratic party, who is incidentally governor of the State, controls them by the wink of an eye. The police department, too, is a State machine, and the only privilege the taxpayers enjoy in connection with it is to foot the bills, which the municipal assembly dare not even scrutinize. It may seem incredible, but it is a fact that the police board drafts its own appropriation bill and the municipal assembly is, by State law, compelled to swallow it horse, foot, and dragoon. If the city legislators undertook to change it by crossing a "t" or dotting an "i," they would at once become liable to fine and imprisonment.

It is a necessary part of the scheme to bind and gag St. Louis. The local legislative bodies might be Republican, you see, and it was essential to make the police entirely independent of them. Every member of the force must be a Democrat, and to-day the police department of St. Louis, as a Democratic machine, puts Tammany Hall far into the shade. The taxpayers are left entirely out of the account except when called upon to pay.

And yet my colleagues from Missouri on the other side talk about the consent of the governed in the distant Philippines. Ever since they made up their minds to run away from the responsibilities of a war which they helped to bring about they insist that the black men and the brown men in those distant islands should not be governed by us except with their consent. But at home, in Missouri, they look upon the system of governing white men without their consent as a wise and just Democratic prerogative! In the Philippines they want equal justice for all; in Missouri they put 140,000 people in one Congressional district and 300,000 in the other. Hypocrisy, thy name is Missouri Bourbonism! [Applause.]

They charge us with traducing the State, Mr. Speaker, when we call attention to these partisan infamies. I indignantly repel the insinuation. I yield to no one in devoted love for my adopted State—grand old Missouri. In my eyes her flowers are more fragrant, her apples sweeter, her hillsides and valleys more beautiful, than those of any other State or country. She is richer in natural resources than most States of the Union; her scenery is more varied, her soil is more productive, and her products excel all others. Even the sun kisses her with more affectionate fervor, because in her beats the heart of the continent. Fortunately, Mr. Speaker, these things can not be changed by law. If they could, the Democratic legislature long ago would have proceeded to paint the landscapes gray and the dewdrops black. They would have muddied her springs and turned her milk sour. [Laughter.] As it is, their blighting influence stops short of nature's glorious gifts and extends only to things political.

Traducing the State! Great Scott! Who is injuring the fair name of a city, the scoundrel who breaks the law or the judge who sends him to prison? Who does you more harm, the man who assaults you or the doctor who applies the remedy? No, gentlemen; you can not break the force of our charges by shielding behind the sovereign State of Missouri. You know full well that our only purpose is to benefit her, to raise her to the level of adjoining Republican States, and to make her people contented and happy by substituting a government by the people for a government by the lobby. We want to make Missouri's political institutions correspond with those of the Union, and the enlightened Commonwealths of the West and North, and add to the grandeur of her nature the handiwork of just and liberal laws, and the blessings of an honest and progressive State administration. We want to lift from the shoulders of the legislature the incubus of the lobby, and wipe from the statute books those iniquitous laws which are injuring our reputation abroad and our liberties as American citizens at home, and which are responsible for this contest and this discussion.

And we are coming, Father Abraham, 400,000 strong! The hour of redemption has struck. There are now only four States in the Union which cast more Republican votes than Missouri. A hundred varieties of fraud and crime, with their Nesbits, pretorian guards, crooks, Indians, and repeaters, may temporarily impede and stop our onward march, but the destiny will be fulfilled, "Ceterum censeo, Carthaginem esse delendam." The citadel will fall, the nightmare of Nesbitism will vanish, and soon the sun's beneficent rays will gild the letters of new enactments restoring to the people and to both parties equal rights and privileges. [Applause.]

There is, in my judgment, no more important question before the American people to-day than these Democratic attempts to tamper with the franchise. It is not a local, but a national question, and Missouri is not the only State where laws were made to wrongfully correct and overthrow the will of the people. Ever since the conquering ideas of Republicanism triumphantly crossed Mason and Dixon's line and penetrated to the very heart of the Southern Democracy, that party has been at work in States controlled by it, propping its waning power by statutes restricting the franchise or preventing an honest expression of the popular will.

Yet elections are the foundation of the nation's political life. To corruptly interfere with them is necessarily destructive of popular institutions. Let us meet the danger like men, and with a firm determination to vindicate Abraham Lincoln's golden words "that government of the people, by the people, and for the people shall not perish from the earth."

I thank the House for their attention. [Loud applause on the Republican side.]

Mr. TAYLER of Ohio. Mr. Speaker, I hope gentlemen on the other side will consume their remaining time before I conclude my argument.

Mr. BOWIE. I yield twelve minutes to the gentleman from Missouri [Mr. BENTON].

Mr. BENTON. Mr. Speaker, the gentleman from Iowa [Mr. SMITH] sought to make the impression in opening this debate that

the late standard-bearer of the national Democracy winked at, if he did not encourage, fraud in elections. In the interest of common fairness I am glad the gentleman did not press the suggestion. William J. Bryan was twice our chosen leader, and, whether fairly or unfairly, honestly or dishonestly, was defeated, but never lost his dignity nor his integrity. For twelve years he stood in the open, battling with marvelous ability for the settlement of great public questions on the high plane of right. He has been exposed to the pitiless storm of political abuse, and has come through it all without the smell of fire on his garments. He is loved by party adherents and respected by opponents. He is first in the hearts of more people than any living American. In a word, he is a stainless, Christian gentleman.

The gentleman from Ohio [Mr. GROSVENOR] wanted to know if Missouri Republicans did not poll 48 per cent of the vote in 1900 and if a Democratic legislature did not apportion the State so as to give them only one Congressman. No and yes. The Republicans polled 46 per cent of the vote, Democrats 52 per cent, and other parties 2 per cent. We followed the pace set by Republican legislatures of Ohio, Illinois, Pennsylvania, and all Republican States, and made Democratic districts where we could. The gentleman can not make a show of virtue there. In Republican States Democratic counties and wards are grouped so as to make immense majorities and give you more Congressmen.

But let me tell these gentlemen who feign indignation a little story of redistricting. Under the law, in St. Louis the apportionment of the city into senatorial and representative districts is placed in charge of the circuit judges. The Pecksniffian plea for political fairness of my colleague [Mr. BARTHOLDT] is here fully exposed. These honorable Republican circuit judges treated us to a sample of Republican fairness. The Republican plurality in St. Louis in 1900 was 666 in a total vote of 124,554; yet these immaculate (?) Republican judges gave the Democrats one senator of six and three representatives of sixteen.

I append the tables:

Senatorial districts.

TWENTY-NINTH DISTRICT.

Ward and precinct.	Democratic.	Republican.
Ward 9	1,380	2,475
Ward 10	1,987	3,057
Ward 11	1,925	2,482
Ward 12, precincts 10, 11, 13	511	752
Ward 24, precincts 4 to 13, inclusive	1,599	1,984
Total	7,402	10,750

THIRTIETH DISTRICT.

Ward 6, precincts 1, 2, 4, 5, 6, 7, 9, 10, 11, 13	1,781	1,543
Ward 7	1,890	2,351
Ward 8	1,689	2,242
Ward 12, precincts 1 to 9, inclusive	1,303	2,074
Ward 13	1,933	2,521
Total	8,596	10,731

THIRTY-FIRST DISTRICT.

Ward 3	2,359	1,385
Ward 4	1,646	1,383
Ward 5	2,389	1,469
Ward 6, precincts 3, 8, 12	845	326
Ward 14, precincts 1 to 8, inclusive	2,220	800
Ward 15	1,599	1,862
Ward 16, precincts 3 to 13, inclusive	2,686	885
Total	13,744	8,110

THIRTY-SECOND DISTRICT.

Ward 12, precinct 12	114	318
Ward 14, precincts 9, 10, 11	537	393
Ward 22	1,989	2,204
Ward 23	2,551	1,613
Ward 24, precincts 1, 2, 3	718	845
Ward 25	2,093	2,502
Ward 28, precincts 1 to 11, inclusive	2,343	3,293
Total	10,345	11,168

THIRTY-THIRD DISTRICT.

Ward 2, precincts 1 to 11, inclusive	1,602	2,154
Ward 16, precincts 1, 2	281	504
Ward 17	1,644	2,373
Ward 18	1,289	2,713
Ward 20	2,224	1,941
Ward 21	2,313	1,755
Total	9,353	11,440

Senatorial districts—Continued.

THIRTY-FOURTH DISTRICT.

Ward and precinct.	Democratic.	Republican.
Ward 1	2,129	2,940
Ward 2, precincts 12, 13	259	482
Ward 19	1,458	2,579
Ward 26	2,590	2,489
Ward 27	2,203	2,092
Ward 28, precinct 12	333	156
Total	8,972	10,738

Representative districts.

FIRST DISTRICT—3 MEMBERS.

Ward and precinct.	Democratic.	Republican.
Ward 9	1,380	2,475
Ward 10	1,987	3,057
Ward 11	1,925	2,482
Ward 12, precincts 10 and 13	392	575
Ward 23, precinct 12	186	129
Ward 24	2,317	2,829
Ward 25, precincts 1 and 2	386	395
Ward 28, precinct 1	212	224
Total	8,785	12,166

SECOND DISTRICT—3 MEMBERS.

Ward 6, precincts 1, 4, 5, 6, 7, 9, 10, 11	1,411	1,267
Ward 7	1,890	2,351
Ward 8	1,689	2,242
Ward 12, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12	1,536	2,569
Ward 13	1,933	2,521
Ward 23, precincts 1 to 11, inclusive	2,129	1,356
Total	10,588	12,306

THIRD DISTRICT—3 MEMBERS.

Ward 3	2,359	1,385
Ward 4	1,646	1,383
Ward 5	2,389	1,469
Ward 6, precincts 2, 3, 8, 12, 13	1,215	602
Ward 14	2,757	1,193
Ward 15	1,599	1,862
Ward 16	2,967	1,389
Ward 22, precincts 1, 2, 3	347	463
Total	15,279	9,746

FOURTH DISTRICT—3 MEMBERS.

Ward 2	1,861	2,636
Ward 17	1,644	2,373
Ward 18	1,289	2,713
Ward 19, precincts 1, 2, 3, 5, 7, 8, 9, 10	856	1,624
Ward 20	2,224	1,941
Ward 21, precincts 7, 8, 9, 10, 11	1,229	654
Ward 26, precincts 1, 2, 3, 4, 5, 6	1,364	1,041
Total	10,467	12,982

FIFTH DISTRICT—2 MEMBERS.

Ward 1	2,129	2,940
Ward 19, precincts 4, 6, 11, 12	602	955
Ward 26, precincts 7, 8, 9, 10, 11, 12, 13	1,226	1,448
Ward 27	2,203	2,092
Total	6,160	7,435

SIXTH DISTRICT—2 MEMBERS.

Ward 21, precincts 1 to 6, inclusive	1,084	1,101
Ward 22, precincts 4 to 13, inclusive	1,642	1,741
Ward 23, precincts 13	236	128
Ward 25, precincts 3 to 13, inclusive	1,707	2,107
Ward 28, precincts 2 to 12, inclusive	2,464	3,225
Total	7,133	8,302

The gentleman from Iowa [Mr. SMITH] states that "St. Louis is usually Republican," and the gentleman from Missouri [Mr. BARTHOLDT] states that "St. Louis is a Republican city by a large majority," and that it has been made Democratic by wholesale fraud of the voters by Democratic officials. I deny the statements. Let us go back twenty years and note the vote of St. Louis as between the leading parties:

In 1882 the Democratic vote was 16,900; Republican vote, 11,300. In 1884 the Democratic vote was 22,000; Republican vote, 21,000. And that year the Republican and Greenback parties made a joint electoral ticket in the State.

In 1886, when Republicans and Greenbackers had separated,

the vote was: Democratic, 19,000; Republican, 15,000; Greenback, 3,000. In 1888: Democratic, 27,000; Republican, 32,000; Populist, 3,500. This was brought about by the unpopularity of the Democratic Presidential candidate, caused largely by vetoes of pension bills.

In 1890 the Democratic vote was 25,000; Republican vote, 21,000.

In 1892 the Democratic vote was 34,700; Republican vote, 35,500; Populist vote, 940.

In 1896 the Democratic vote was 50,000; Republican vote, 66,000.

In 1900 the Democratic vote was 59,931; Republican vote, 60,597; vote of other parties, 4,046.

For more than twenty years since 1870 St. Louis has been controlled by Democratic administrations. The Democrats elected Britton, Brown, Overstolz, Francis, Noonan, and Wells as mayors. The Republicans had Ewing, Walbridge, and Zeigenhein. St. Louis has never been a Republican city. Let us go back to the vote of 1896. The Democratic vote increased nearly one-third in four years, while the Republican vote increased almost 100 per cent. Republicans claim that this large increase came from Gold Democrats voting their ticket. It is true that a large number of Gold Democrats voted the Republican ticket. It is also true that a very considerable number of votes was cast for the Democratic ticket by Silver Republicans. The Democratic vote of the city was fully as large as we expected, but the Republican vote was 12,000 to 15,000 larger than we believed it should be for the population.

Indeed, with all the wonderful growth in population in St. Louis during the four years next after the election of 1896, the increase of the total vote of the city was but a fraction over 6,000. The city was in control of Republicans in 1896. Democrats, Silver Republicans, Populists, and Prohibitionists complained that the election was unfair and dishonest. The combined anti-Republican vote of the State of Missouri in 1892 was 311,000. The Republican vote in 1892 was 227,000. In 1896 the anti-Republican vote of the State was combined and was increased by 52,000, while the Republican vote during the same period was increased 77,000, of which increase 31,000 came from the city of St Louis. Mark you, the combined vote of St. Louis in 1892 was an anti-Republican majority; yet in 1896, in the face of the fact that our vote had increased nearly 15,000 in St. Louis, the Republicans counted a majority of 16,000 in the city. The conviction in the minds of the people of the State that this increase in the Republican vote was fraudulent determined the legislature to enact a law to protect the suffrage in St. Louis. Hence the Nesbit law.

What are the provisions of this law? Three election commissioners, two Democrats and one Republican, are named by the governor. The late Republican commissioner was W. A. Hobbs. Does my colleague [Mr. BARTHOLDT] dare attack his record? He was a staunch Republican, but a gentleman withal. (During the six years in which you controlled the State, Democrats were allowed no members on any election or registering boards.) The commissioners are compelled to name two judges and one clerk from each of the great parties in each precinct.

The Republican commissioner is permitted to name the Republican judges and clerks. The judges and clerks are appointed sixty days before the general election. The judges and clerks are the board of registry. After registration the two clerks—Democrat and Republican—go together over the precinct to canvass and verify the list of registered voters. They ascertain if the voter really lives where he is registered as living. They report to the judges and they in turn to the commissioners, who sit as a board of review. Each party may challenge he who offers to register. Men whose registration is questioned are notified and permitted to prove their right to vote, and if finally stricken off have their extraordinary remedy by appealing to the courts. At elections no bulldozers are allowed at the polls to overawe voters.

Each party is allowed a challenger at the polls and a watcher of the count. The poll books and ballots are returned after election to the commissioners. The voter is permitted to go into a booth and make his ticket unmolested. If for any reason he can not prepare his ballot, he is permitted to choose a judge of election to assist him in preparing his ballot, and the judges are required to keep secret his ballot. Each ballot must have the name or initial of the distributing judges on it and each ballot must be numbered to correspond with the name and number of the poll books. (Oh, you want again the old régime under which you disfranchised Democrats and robbed the people by means of spurious bond issues and frightful taxation.) The Republican election commissioner of St. Louis under the law is permitted to name Republican judges and clerks of election; presumably he does this after consultation with his party committee.

The law is not at fault if these Republican judges and clerks are dishonest. Fraud has been charged after every city election in St. Louis for years by both parties. The Democratic legislature has put every safeguard possible around the ballot box. Our majority in Missouri has never depended in any sense on the vote of St. Louis. The largest State majority we ever had was in the face of an adverse majority of 16,000 votes in St. Louis. The Democracy of Missouri is for honest government. It will not be intimidated by threats, misled by glaring falsehoods, nor cajoled by the whining cry of the minority, who seek power that they may loot the State, as they once did, and as they have recently done in the city of St. Louis. Our law lets you name your judges and clerks, but if they are venal and sell themselves the law can not help it.

The gentleman from Iowa [Mr. SMITH] is misinformed. If he had been as anxious to learn the truth of history as he was to find a reason for turning out of this House a Democratic Representative, he would have learned that his statement that "the mayor of St. Louis is usually Republican" was not true. He would have learned that his statement that "the law does not give to the Republicans the choice of their representation on the election boards" was also untrue. If he had been desirous of making a plain, unvarnished statement of facts, he would not have said there was "a change of 6,000 votes in favor of Democracy (referring to the Twelfth district) when all over that Western country they were losing as compared with the vote of 1898 in Congressional matters."

Every single Congressional district in Missouri gained largely in its vote from 1898 to 1900. There is no excuse for the misstatement of the facts by my colleague [Mr. BARTHOLDT]. He states that there was in the Twelfth district an "increase of 12,346 in two years, while in the adjoining district (his) the increase was but 9,000." The election record of Missouri is open. If he had only read, he would have found that the increase of the vote in the Tenth district from 1898 to 1900 was 10,432, but little behind the increase in the vote of the Twelfth district.

The Representative from the Tenth district comes into this forum and pleads for a fair ballot and clean government. This he does while we are not two years away from the slough of crime indulged in by the Zeigenhein Republican city administration. Ballot stuffing, bribery by and of city officials, franchises bought and sold on the official market, with some of your late officials convicted, others fugitives from justice, and many under indictment. Thanks to the law as administered by a Democratic judge, the courage and ability of a Democratic prosecutor, and the honor and integrity of the citizens of St. Louis, these rascals are being called to account, and we have high hopes that the start that has been given to honest government by the present administration of St. Louis will bear the fruit so much desired by honest men of all parties.

The gentleman [Mr. BARTHOLDT] says the spring election of 1901 was a duplicate of the election in the fall of 1900. If that is true, he can not complain. The man elected mayor is credited with voting your ticket and contributing money to the Republican campaign fund in 1896. The men who controlled the Democratic convention and named the city ticket were not the men who stood for Democratic men and measures in the two previous elections. They were confederated with you. Many thousands of Democrats refused to support that ticket, yet there were enough Republicans who did to give it 8,000 majority. The Democratic battle cry of that campaign in St. Louis was clean, honest city government. That fight was to clean out and drive from office the worst gang of pilferers that ever infested that city. The false and fraudulent demand for a change to Republican methods will not be heeded by the people of Missouri, whether it is fulminated by a venomous press or dignified by being pressed in this forum.

I have given you the general provisions of the so-called Nesbit law. My colleague [Mr. BARTHOLDT] rails at the Nesbit law. That law was sustained by the highest court in Missouri. Oh, but you say that is a partisan court. Yet, on appeal to the Supreme Court of the United States, that last tribunal in our Government sustained the law. The law is just and fair. Now comes the gentleman, backed up with the resolutions adopted by the late Republican State convention, to demand that the good people of Missouri shall turn over the State government to the same old band of freebooters who for six years after the "war between the States" plundered the citizens of that great Commonwealth. You sold our securities for a song and left us burdened with debt. You saddled nearly $40,000,000 of county, township, and city debts on the people, which were nearly all fraudulent.

But, Mr. Speaker, Missouri long ago shook off the awful incubus of Republican State government. She did not lay down in the ashes and mourn away her life, but vigorously met the grave responsibilities confronting her. Under Democratic government Missouri has unburdened herself of more than $20,000,000 of State debt, besides interest. She has paid more than $25,000,000 of county, township, and city debts. She has given to the support of her great State University more than $3,000,000. She has built up great normal schools and splendid asylums and

maintained them at a cost of $4,500,000. She has built 8,500 schoolhouses and augmented the State and county school funds tenfold. She has doubled her population, quadrupled her wealth, and cut down her people's taxes by half. This wonderful progress has been made despite the fact that a mendacious press has abused and vilified her people and officials for thirty years. For feats of mendacity the Missouri Republican press and Republican orators are easily entitled to the blue ribbon. Our Missouri doors are open to good men from everywhere. We welcome the home builder, the wealth producer, but we will not intrust our government to the Missouri Republicans. Democratic Missouri greets the country.

Mr. BOWIE. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Missouri [Mr. BUTLER], the contestee in the case.

The SPEAKER. The gentleman is recognized for fifty-six minutes.

Mr. BUTLER of Missouri. Mr. Speaker, up to this moment I have refrained from voicing my opinions or sentiments upon any measure which has been before this House, believing, as I do, that sentiment has restricted boundaries, and that opinions, especially of a new and verdant member, are very often more forceful unexpressed.

I take the floor to-day, however, in defense of my title to a seat in this House; in defense of the voiced opinions of 22,000 freemen, whites and blacks, Democrats and Republicans, who cast their votes for me and sent me here as their Representative upon the floor of this House.

I trust, therefore, gentlemen, you will accord to me the attention to which I feel I am entitled.

It is not my purpose in these remarks to mince words. It is not my intention to clothe with language of conciliation the actions of some of the parties to this foul and sinful conspiracy to rob me of my personal rights and to deprive 200,000 of our people of their rightful title to a voice in the government of this the only true government of the people. [Applause.]

It is not my desire or intention to accuse or blame the majority of your committee for their report in this case, feeling as I do that partisan spirit and party fealty sometimes sway the judgment of the strongest men, which your committee has been manly enough to honestly admit; but I feel that the mass of testimony, of false charges, of skillfully woven fabrications, and hypothetical conclusions, all drawn from an absolutely illegal, unreliable, and unsubstantiated census in this case bewildered even your committee, and drew from them a report which, from party standpoint, at least, they permitted themselves to believe was warranted.

I am fain to believe, however, that from the standpoint of men learned in the law, as they are, applying the well-known principles of law to the case, that they in their hearts and consciences fully realize and believe that they have erred.

On the very first page of your committee's report appears a tabulated statement of the vote of the Twelfth Congressional district for the years 1898 and 1900, which, while I believe not intended for the purpose, is nevertheless calculated to deceive and mislead. The same argument has been used upon this floor by one of my colleagues from St. Louis, but with a full knowledge, I am sure, of its absolute dishonesty and deception.

The statement, in brief, I quote as follows:

The official returns gave the contestee a plurality of 3,553, as shown by the following vote, parallel with which, for the purpose of comparison, is placed the vote of the Congressional election of 1898.

Then follow the parallel columns of figures, giving the total vote of 1900 as 40,655, and that of 1898 as 28,299. As the theory of the contestant and the majority of your committee in this case is that I was elected through an enormous false registration, this ittle statement of the returns of two elections is given you upon the very first folio of this report, by way of comparison, it is said, to fix your minds in the very beginning on the enormous discrepancy between the vote of the two years.

They do not tell you that the year 1898 was an "off year," as it is called in political parlance; a year, in other words, when a President is not voted for. They do not tell you that in such years the vote of almost every district in the land is reduced, and in many cases by almost one-half.

The committee has not told you, and neither has my colleague, Dr. BARTHOLDT, who has tried to impress so forcibly upon your minds the figures of 1898 as compared with 1900, that in 1894 the total vote for all candidates for Congress in the Twelfth district, Democrat, Republican, Prohibition, Socialist, and Independent, was only 18,912, while in 1896 the Republican candidate alone received 21,483 votes, or 2,571 votes more than all candidates in 1894 and 14,014 more votes than the Republican candidate of 1898, and still there was but two years intervening.

The wise Doctor has not informed you that in 1898 the total vote cast in this district was 10,000 less than in 1896, two years earlier, and that the Republican candidate alone received 6,183 votes less. Why has not the wise Doctor made comparisons of the total vote of all the St. Louis districts as between 1898 and 1900? If he had it would show that the Twelfth district had increased in vote 12,400; the Eleventh district, Mr. JOY'S district, 14,134, and the Tenth district, which is the Doctor's district, 10,432. Why have you withheld all the facts, my dear colleague?

Why has not your committee published the vote of 1896, a Presidential year, and four years earlier than the last election, by way of comparison, as they say? Why is it that in no part of their report have they published the returns of the year 1896? The returns of 1896, as compared with those of 1900, show the absolute inconsistency of the contestant's contentions. They show that in 1896 there were cast at the Congressional election, in November, 39,124 votes, while in 1900, which was four years later, there were cast 41,528 votes, showing an increase in four years of only 2,404 votes in a district carved from the very center of the city of St. Louis.

The increase in the Tenth Congressional district of St. Louis, which is Mr. BARTHOLDT'S district, for the same four years was 3,029; and in the Eleventh Congressional district, which is Mr. JOY'S district, it was 1,757.

I am sure, gentlemen, you will all agree that the increase was not abnormal, and as the Twelfth Congressional district was represented in 1896 by a good, stanch, and honest Republican, I am satisfied that you will not put a stigma upon his memory by branding his reported vote as fraudulent, and his election as a steal. [Applause on the Democratic side.]

But, my friends, there was no fraud at that election, and none was hinted at; there was no fraud at the elections in either the Tenth or the Eleventh districts of Missouri in either 1896 or 1900, and none was hinted at; and neither was there fraud at the election in the Twelfth Congressional district [applause], as an honest comparison of the returns will show to the mind of any unprejudiced man who will lay aside, for the time at least, his party fealty and judge with justice between man and man.

The principal ground of contest in this case, in fact the only ground of contest, is that there was an enormous false registration in my interest. The fallacy of that contention has been shown most clearly, I think, by the report of the minority members of your committee, which is before you, and by their able arguments upon the floor in this case.

Let me show you, further, the sophistry of this contention by the registration figures of the district.

You are well aware that no charge of fraud has been made here against either of my Republican colleagues from St. Louis upon this floor; yet I will assure you that if any fraud at all existed in the late Congressional elections at St. Louis, that that fraud was as great or greater in the districts represented by my Republican colleagues.

I wish to read to you here section 7227 of the Missouri election law, under which the last election for Congress was held:

SEC. 7227. *City to be divided into election districts.*—It is hereby made the duty of such board of election commissioners for such cities, within six months after taking effect of this article, to divide such cities into election precincts regarding ward lines, and composed of compact and contiguous territory, which shall contain, as nearly as practicable, 400 actual voters; and in making such division and establishing such precincts such commissioners shall take as a basis the poll books of the number of votes cast at the last preceding Presidential election. At least six months before each subsequent Presidential election the election commissioners may revise and rearrange the precincts and increase or decrease their number on the basis of the votes cast at the previous Presidential election for President, making such precincts to contain, as near as practicable, 400 voters, measured by the vote of such election. The precincts in each ward shall be numbered consecutively. (New section.)

You will see from this section that the board of election commissioners were instructed to divide the city as nearly as possible into election precincts having 400 voters, without, however, altering the ward lines. The basis of vote upon which the division was made was the Presidential vote of 1896, as required by this section of the statute. You will not claim, I am sure, that the registration of 1896 was stuffed or fraudulent, for the Republican clear majority in the Twelfth Congressional district at that time was 3,842. In the Eleventh Congressional district the Republican majority was 3,552, while in that portion of the Tenth Congressional district lying within the city of St. Louis the clear Republican majority was 6,870. These are the actual figures, my friends, and it was upon the basis of the vote at that election that the new precincts of the city of St. Louis were made up to average as near as possible 400 votes to a precinct.

Now, let us see what the actual registration after the formation of the precincts shows. I have here the complete vote of all the wards of the three Congressional districts within the city of St. Louis, together with the highest precinct registration, the lowest precinct registration, and the average precinct registration in each ward of such districts, all of which have been taken from certified figures from the election commissioners' office of the city of St. Louis. I will not take up the time of the House by reading the data to which I have just referred, but I will read to you the district showing as deduced from those figures in each of the three districts of our city.

In the Tenth Congressional district, which is the district represented by my Republican colleague, Dr. BARTHOLDT, the total vote of that part of the district lying within the city of St. Louis was 27,052. The total registration for the same district was 28,904, showing those not voting to number only 1,853. The highest registration of any precinct in the district was 588, and the lowest registration was 202, while the average registration for the 68 precincts within the district was 425.

In the Eleventh Congressional district, which lies wholly within the city of St. Louis, and which is represented on this floor by my esteemed friend and colleague, Mr. JOY, the figures show the total vote of the district to be 54,919, the total registration 58,517, and the number of those not voting 3,598; the highest precinct registration in the district 961 and the lowest 189; the average registration for the 149 precincts of the district was 418.

In the Twelfth Congressional district, which also lies wholly within the city of St. Louis, and which up to the present moment at least I have the honor of representing, the total vote was 41,532; the total registration was 47,752, while those not voting amounted to 6,220. The highest precinct registration of the district was 754, the lowest was 169, and the average precinct registration was 408, a much smaller average than either of the other two districts.

Now, Mr. Speaker and gentlemen of this House, I want it distinctly understood that I have not cited these figures to cast any cloud upon the title of my Republican colleagues to their seats in this House, for I believe and know they were fairly and honestly elected, as I feel and know that I was. [Loud applause on the Democratic side.] I have cited them, however, to show the ridiculous nature of the contentions in this case.

There is no contest in the Eleventh district; there is no charge of fraud; there is no charge of padded registration, yet the average registration in each precinct is 418, or 18 greater than is called for by the provisions of the statute.

There is no contest in the Tenth district, there is no charge of fraud or padded registration, yet the average precinct registration is 425, or 25 greater than is called for by the provisions of the statute.

But there is a contest in the Twelfth district, and there are charges of padded registration, while the average precinct registration of the district was only 408, or but 8 greater than is called for by the provisions of the statute.

While on the question of figures permit me to submit to you a few more upon the basis of the actual vote for Congress in the three districts of St. Louis at the last two presidential elections. In 1896 the total vote in the Tenth district within the city of St. Louis was 24,023. The total vote of 1900 was 27,052, showing an increase in four years of 3,029 and an average increase per precinct of 45.

In the Eleventh Congressional district the total vote of 1896 was 53,162; in 1900 it was 54,919, showing an increase of 1,757, or an increase per precinct of 12.

In the Twelfth Congressional district in 1896 the total vote was 39,124; in 1900 it was 41,528, showing an increase of 2,404, or of 21 per precinct.

I ask you, gentlemen, to draw the conclusion from these figures which they honestly deserve.

It is true that the contestant, through his attorney in this case, concedes the fact that the registration and the actual vote in the Twelfth Congressional district appear to be normal, but charges that I, through agents or others, induced a sufficient number of honest voters not to register to compensate for the fraudulent ones which I caused to register. Permit me to quote the remarks of the learned attorney for the contestant upon this subject:

> The population of the Congressional district, according to the census of 1900, was 155,366. The total registration was 48,160. This aggregate registration in the district bears a high ratio to the aggregate population, and is greater than the registration in this same district at the preceding election two years earlier, but the increase is not so great as to attract attention or appear abnormal. The McBurney canvass, however, demonstrates that this apparently normal and proper growth of registration is a deceptive indication, for whereas in the portion of the district recanvassed there were discovered to be 14,638 men improperly registered, there were found 15,746 men who appeared to be entitled to registration and whose names could not be found upon the registration lists.
>
> It is thus demonstrated, therefcre, that the force of this conspiracy was negative as well as positive. Its activity was equally exerted to keep names off the lists and to get other names on. The care with which the whole matter was managed is evident from the fact that the number of names added so nearly agrees with the number of those kept off, whereby any disturbance of the normal aggregate of registration was avoided, and there was not presented for public notice any evidence of the work that was being done, such as would have been presented if this enormous number of new names had been merely used to increase the previously known and already large aggregate of registration.

Shades of the immortal Portia, thou hast returned to earth! for reasoning such as this is not of earth to-day. [Laughter and applause.]

With what have I been charged herein? With inducing 15,000 freemen to withhold their names from the registration books and refusing to vote at a Presidential election of their country. Was anyone ever before gifted with such powers of persuasion, and though he was, was he such a consummate ass as not to use those same powers of persuasion to induce those 15,000 living freemen to register and vote for himself, instead of resorting to the registration of 14,000 dead ones? I ask you, gentlemen, has ever before such an argument been presented to this House? [Applause.]

On the convening day of this House (a day, by the way, which I shall never forget, unless perhaps the good sense and justice of the majority may make this day a more memorable one) I was struck by what appeared to me then as the noble utterances of a just and unselfish Spartan. I refer to the utterances of the honorable Speaker of this House anent the laws and rules which govern this House. The honorable gentleman said at that time:

> The maker of laws should not be a breaker of laws.
>
> We proceed under laws and rules, and the duties devolving upon each and all of the membership of this House will be far better conserved if this principle is acted upon.

Mr. Speaker, I believe you meant every word you uttered. I believe you will reiterate the same old thing if you should possibly ever again have the good fortune to wield the gavel in this House. I know it came from the heart; it had all the tremor, all the feeling of a deep heart echo; but, oh, I wish, Mr. Speaker, you could have conveyed some of those cardiac impulses to the frigid blood pumps of your Judicial Committee in this case. [Applause.]

This contest was never intended to be a bona fide one. Every statute and every rule of this House was openly and flagrantly violated and ignored in its conduct, notwithstanding the sacred injunctions of your Speaker. This contest was instituted for the sole purpose of manufacturing campaign thunder for use at a far more important election, from a local standpoint, which was to follow in a few months, namely, the city election for mayor and other city officers. But somehow the stage pyrotechnics failed to inspire the good people of St. Louis with aught but a sense of ridicule, for the voters of that great metropolis accentuated their verdict of November by a more pronounced and positive one in April, electing the whole Democratic ticket by a much larger majority than in November. [Applause on the Democratic side.]

The Twelfth Congressional district, which gave me a plurality of 3,553, gave to the Democratic candidate for mayor a plurality of almost 7,000, and to the whole Democratic ticket almost the same plurality. I was not a candidate at that election, gentlemen, and it could not consequently be said that "all power and money, etc., was centered on the election of Butler at all hazards," as has been charged in this case and is reiterated in your committee's report. Nevertheless, a Democratic ticket carried the same district by almost double my plurality.

Much has been said in the report of your majority in regard to the contestee having taken no testimony in his defense. I want to say to you, gentlemen, that it was after mature consideration and on the advice of over a dozen of the most eminent members of the St. Louis bar, both Democrats and Republicans, that it was decided that as absolutely no case of any kind had been made out that consequently no testimony was needed in my defense, believing, as we did, and had a right to believe, that we would be judged in this case according to well-known laws of evidence and according to well-defined legal principles.

Furthermore, had I embarked in the taking of testimony to combat the mass of rubbish here presented, I was financially unable to individually bear the brunt of the obligation incident thereto. The expense of this contest to me has been more than double the statutory allowance for such cases, while the expense of the contestant's case has run into the thousands. No part, however, of that expense, according to his own confession, has been borne by the contestant. The funds for this contest were derived from the mysterious source referred to by the contestant in the first page of his brief as "representative men who had become alarmed and indignant, none of whom are included in the list of responsible Republican managers, and not all of whom are members of that party."

What an inglorious confession from a Republican contestant! The responsible managers of his party, satisfied of his defeat, refused to become parties to the prosecution of a dishonorable contest, refused to pander to the greed of a so-called lawyer, known throughout the State of Missouri as the election-contest shark, a post-mortem attorney whose prey for years has been the defeated candidate, regardless of the political faith of the corpse. [Applause.]

Deprived of honest party support, he flies for assistance to the halo-crowned angels of reform, "the representative citizens regardless of party," who refuse to divulge their sacred names. They should be called representative cowards. They are naught else. They are in fact modern Danites, unlike, however, the old sect, in that they have not the courage of their own convictions. Too cowardly to do their own work, they intrust it to paid retainers of their own ilk with similar consciences but superior courage.

Their identity is no secret to me. Their self-discovered halo

is but the phosphorescent mantle which hovers above putrid decay. Their sacred names are known to me, one and all. They are living and acting a lie when claiming communion with either of our great parties, and it grieves me to admit that the meanest of them all are those masquerading in the habiliments of Democracy.

While on this point, Mr. Speaker, I wish here to refer for a few moments to a journal known as the St. Louis Republic, an alleged Democratic newspaper of the city of St. Louis, but which is not Democratic; neither is it Republican, but a mongrel sheet, a terrestrial wanderer, a journalistic harlot since its incipiency in 1808. Founded by degenerates, fostered, sustained, and perpetuated by commercial and financial pirates, it has no virtues but the virtues of mammon; its religion is barter, and its god is gold. [Applause on the Democratic side.]

It is the organ of sordid commercialism, and the tone of its scribblings changes daily with the whim of its auction purchasers. From this so-called Democratic sheet comes the wail of the "representative citizen;" from this Democratic sheet comes the plea to this House that I be unseated, although in the very same paragraph it concedes my honest election. I trust, my Democratic colleagues, that I have not been treasonable in thus assailing this paper. Many of you, to my own knowledge, are familiar with its character and can bear me out in what I have said. I have but spoken my mind and the truth. I have never sought the paper's support, do not want it, and never will. I have not failed, however, to make its responsible managers thoroughly understand in positive language my opinion of them and their journal, and if the stability of my seat on this floor depends upon the support of that paper, then, indeed, am I sorry, and must bow to the inevitable.

Digressing at this point for a few moments, I feel it my duty to refer to what I shall characterize as at least unkind references by the majority of your committee to my aged parent. I at least had reason to feel that your committee would spare him in their report and not reiterate the false and unsubstantiated statements of an irresponsible shyster in a ridiculous brief. It is unnecessary for me to particularly refer to the comments in question, but I would be false to every sense of parental respect, devoid of every vestige of paternal love, and faithless to the teachings of the Almighty as writ on the tablets at Sinai, did I not brand all such charges against my aged father as false as hell itself and inspired by fiendish hate. [Loud applause on the Democratic side.] My manhood has compelled me to resent these charges now, and I care not to allude to them further.

Let us revert, then, once more to the question at issue, namely, my right to a seat on this floor. I was nominated by a Democratic convention, with absolutely no opposition, excepting, perhaps, the vindictive enmity of some cowards within my own party, which enmity still pursues me, and which, if I do not survive its generators, I hope to have with me at my dissolution. I was supported by an almost undivided party, which was the first time a Democratic candidate for Congress had been so supported since 1894, when a Democrat was elected.

The almost unanimous so-called gold wing of the party supported my candidacy and gave me their votes upon the day of the election; Republicans by the hundreds, dissatisfied with their candidate and the manner in which he was foisted upon them, gave me their support, as the sworn testimony in this case will show. A positive defection among the negro voters, which amounted to probably two-thirds of their entire number, brought them to my side, and it was a most common occurrence during the campaign, though an unusual and an odd one, I will admit, to see negroes by the hundreds parading the streets with banners proclaiming their opposition to my opponent. This was the condition of affairs in this district on the Republican side.

So black did it seem at that time that the Republican member of Congress then seated in this House, Maj. Charles E. Pearce—and I regret, gentlemen, to be compelled to bring into this case a letter from a gentleman who is now dead—was impelled to write to a dear political friend in this city, and I will quote from his letter, as follows:

> Campaign is moving on. Am making all the speeches I can with proper regard for my health. How does it look to you in the East for McKinley? I do not like the appearance of things in the Twelfth, but McKinley may pull Horton through.

These were the words of Major Pearce at that time, gentlemen.

I have now mentioned some of the circumstances which helped to procure for me the handsome majority by which I was elected. It was not the capture, as your committee would have you believe, of a Republican district by the Democrats, but simply a redemption of a district which had strayed from the Democratic fold. A district which had always under normal conditions been reasonably Democratic, and which prior to Major Pearce's two terms on this floor had been represented for three terms by Mr. Cobb, a Democrat. It would probably be still represented by him had it not been for the defection in the Democratic ranks in 1896, brought about by the financial plank in the party's platform.

My colleagues on this side have dwelt very fully in their report and arguments upon the unreliability and ridiculous character of the so-called McBurney canvass; they have defended with ability and eloquence the State's right to make her own election laws. I feel, therefore, that it is scarcely necessary for me to invade that territory, except to say that there is no law which has not its defects, and I believe the Missouri election law to be as good and with as few defects as the same law in any other State of this Union. Bear in mind, however, my dear friends, that the law was not made for my benefit. I had no hand in its making. I had to run for Congress under that law or not at all, as it was the only one we had. Remember also that my two Republican colleagues from St. Louis were elected by very handsome majorities under the very same law.

So, gentlemen, if you mean to make me suffer for the law, if you mean to deprive me of my seat in this House on account of that law, I pray you, in Heaven's name, be consistent. Do not make fish of one and flesh of the other, but be just and demand the resignations of my two Republican colleagues and let us all go back and fight it out again together. We can borrow a new law, if necessary, from Ohio or Iowa or any other honest State. I am sure my colleagues will be satisfied with this, and I feel and know that I owe nothing to that law, and that under similar circumstances I would again be elected—even under the laws of Timbuktu.

I feel satisfied, however, that you have no desire to do such equal justice. Therefore I will in defense summon once more the figures in this case and prove to you that even conceding, for the sake of argument merely, all the half-hearted contentions of your committee, that I am still elected by a clear majority. The election in the Twelfth district gave to me 22,104; to Mr. Horton, 18,551. According to your committee report, page 39, the vote of names not found by the United States census or the McBurney canvass amounted to 3,727 for Butler and 1,345 for Horton. Deducting such votes from the totals will leave for Butler 18,377, and for Horton, 17,206.

Again conceding, for the sake of argument, that the so-called recount (page 41, report) of the contestant is correct, which even your committee does not concede, we will deduct from the last total the discrepancies as alleged by the contestant, showing a loss of 1,395 for Butler and 422 for Horton. Deducting these, as I said before, from the last total, you will find that Butler still has 17,042 votes, while Horton has but 16,884, which is conceding, for the sake of argument, everything which is wildly claimed by the contestant, and a clear majority is still shown for me of 158 votes.

It is not my desire to prolong argument in this case, but before drawing to a close I want to say that the nomination was forced upon the contestant in this case in order to pique and humiliate and chastise an honest, conscientious, able, and faithful Representative in this House, a loyal and true man and a consistent Republican—namely, Maj. Charles E. Pearce, now departed, but whose memory I am satisfied is still bright in the minds of the members of the last two Houses. The nomination, as I said before, was forced upon the contestant for this purpose and because he was the avowed friend of the controlling spirit of a railroad monopoly, who also controlled the nominating machinery of this district. The contestant made little or no campaign for either himself or his ticket, and was scarcely heard of until about two weeks before the election. Then he was seen but a few times and only in his own strongholds.

On the other hand, my dear friends, I am happy at this moment to be able to say that I, then looking forward to one of the happiest moments of my life, never tired, but plunged deeper and deeper into a campaign which for me meant success or failure, an ambition gained, or a fond hope shattered. I scarcely slept. Night and day I labored. I found my way into every nook and corner of my district. Into the streets and alleys, among the slums and palaces, into the very heart of settlements of every nationality under the sun I carried my campaign and pleaded my cause with that of my party.

And now, because a boyhood dream is almost a reality; because I have brought a few sunny hours to dear old hearts; because of the hatred of a few powerful but unprincipled enemies within my own party, who were the instigators of this conspiracy, I am to be deprived of my hard-earned victory, the people shorn of their rights, and my very honesty questioned in despoiling me of my seat in this House. Some, no doubt, my vehemence in this matter will amuse. A contest for a seat in this House may seem to them a comedy, and of little concern; but I want to tell you, gentlemen, that to me this contest is a terrible wound; a wound which strikes deep into my heart, but which strikes deeper still into the hearts of others who are dearer to me than life itself.

I may not again be permitted the floor of this House, so in concluding I desire to offer my heartfelt gratitude to every member on this floor for the many courtesies which have been so graciously extended me and for the little favors without number

which enable a new member to feel that through them he has been of service to his constituents.

To the officers of the House I am deeply grateful for generous treatment at their hands, and to the warm friends that I have made upon the Republican side of this House, I wish to say, that I was not educated in that school of political partisanship which makes friendships possible only in the ranks of partisanship. Friendship is a godly virtue, while partisanship is naught at best but worldly expediency. I say to you, therefore, dear friends, if the sting of the lash is more than you can bear; if your party's necessities demand your vote against me in this case, cast it so. My friendship and yours, I know, look beyond party lines, and after this battle is over its fires will kindle anew, brighter and warmer than ever. [Loud applause on the Democratic side.]

Mr. TAYLER of Ohio. Mr. Speaker, I yield for a moment to the gentleman from North Carolina, who desires to ask unanimous consent for an extension of some remarks in the RECORD.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks. Those remarks are not pertinent to this debate, but are simply some statistical information about the State of North Carolina.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to extend remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. Speaker, I do not desire to submit any remarks pertinent to any measure now pending before the House, but to say something concerning the good State of North Carolina, of which I have the honor in part to represent. Though one of the oldest of the colonies and one of the original thirteen States, yet her history, the achievements of her people, and her resources are not so generally known to the country as some of the younger States of the Union. Whether this be due to the modesty of her people and to the fact that they have permitted others to write her history or to other causes, it would not be profitable now to discuss. Upon her soil was made the first settlement in the United States and there the first white child of English parentage was born. In every period of her history, either as a colony or a State, her people have exemplified the finest sentiments, a disinterested patriotism, and the best achievements of a true democracy. They have been conservative in sentiment, yet vigorous when aroused to action.

Her people have preserved the liberty of the citizen against all encroachments. The white people of the State probably present to-day the purest type of American citizens to be found in the Union. But it is not of the history of the State that I would speak. I am more particularly interested in presenting the resources of the State as they exist in the present and the possibilities for the future development of these natural resources and the progress of her people. I shall discuss the subject under a number of divisions and in a manner which I believe will prove instructive not only to the people of the State, but to nonresidents who may be interested in this fascinating story, and who may perhaps seek good fortune and make a home amid these surroundings and among these good people.

CLIMATE AND RAINFALL.

Perhaps no other one thing contributes so much to human progress and happiness as does a favorable climate. The highest development in human achievement has come to those peoples who had the most desirable climatic surroundings. The highest aspirations and finest sentiments of man have emanated from those peoples who lived in temperate climates. If this be so, and it is, then it is not surprising that from North Carolina has come much that is best in the thought and sentiment that have contributed so largely to the wisdom and strength of the Republic. The State is blessed with all that is best in climate conditions. There are none of the extremes in heat and cold nor in rainfall and drought. The following summary table presents the mean temperature and the average rainfall for the State as a whole for the eleven years 1891 to 1901, inclusive:

NORTH CAROLINA.

Summary for the State, 1891–1901.

Year.	Mean temperature.	Precipitation.
	°F.	Inches.
1891	58.7	53.3
1892	57.6	46.8
1893	57.8	53.3
1894	59.6	46.1
1895	57.4	50.2
1896	59.6	47.5
1897	59.3	46.1
1898	59.4	50
1899	58.6	52.1
1900	59.9	48.4
1901	57.5	62.7

It will be observed from the above table that the highest mean temperature in eleven years has been 59.9°, and the lowest has been 57.4°. The greatest average rainfall in any one year was 62.7 inches, and the lowest 46.1 inches. At Hatteras, in the extreme eastern portion of the State, at an elevation of 11 feet, the annual average temperature for twelve years has not been below 60.5° nor above 63.8°. The average temperature for January at this point has not been below 41.8° nor above 55.7°, or an average of 46.4° for twelve years. For July the lowest average annual temperature in twelve years was 76.2° and the highest 78.9°, or an average for the period of 78.4°.

At Asheville, which is in the western portion of the State, at an elevation of 2,250 feet, the average annual temperature for the twelve years ending 1901 was 55.6°. The lowest average annual temperature for this point during that period was 54.1°, and the highest was 56.5°. The average annual temperature at Asheville for the month of January during this period was 36.8°, the lowest being 27.2°, the next lowest being 32.9°, and the highest 47.2°. For the month of August the average annual temperature at this point for this period was 72°, the lowest average being 67.9° and the highest 76.1°.

The average annual temperature at Oak Ridge, situated near the center of the State and at an elevation of 885 feet, was 57.5° for the twelve-year period above noted. The average annual temperature for January at this point was 37.7°, the lowest being 29.2° and the highest 44.8°. For the month of August the average annual temperature for this point for the period was 75.7°, while the lowest average annual temperature for this month was 70.6° and the highest 81°.

The three points above noted represent fairly the three distinctive topographic sections of the State, and show in a general way the temperature for each section during the entire year and also for the coldest and hottest months in each year. While it is true that there are occasional days in summer when the temperature rises to 100° and occasional days in winter in the mountain and middle sections of the State when it falls to zero and below, yet these extreme conditions of heat and cold are very unusual, and when they do occur are seldom of longer duration than two or three days.

The rainfall is very evenly distributed throughout the year, and is almost as evenly distributed over the different sections of the State. There is a slightly less rainfall in the Piedmont or middle section of the State than in either the coastal or mountain sections. This generous precipitation and its practically uniform distribution throughout the year means much to the advantage of the State, outside of the fact that it contributes to the almost absolute certainty of fair agricultural crops every year. It also insures such uniformity in the flow of streams as to make more valuable their water powers than is the case in those localities in which the rainfall is excessive in one season of the year and very meager in other seasons.

POPULATION.

The population of the State of North Carolina in 1900 was 1,893,810 as against 1,617,947 in 1890, representing an increase during the decade of 17.1 per cent. In 1790 the population of the State was 393,751, so that it is seen that the population during 110 years has increased nearly fivefold. In 1900 the colored population represented 33 per cent of the total. It will be interesting to note in this connection that the white population increased during the decade from 1890 to 1900 19.7 per cent, while the colored population increased 11.3 per cent. A considerable proportion of this difference in the rate of increase for the two races is due to the emigration of negroes to near-by States.

The Census Office in its report on urban population has included all places of 4,000 inhabitants or more. In 1890 there were 12 such places in North Carolina, with a population of 97,959, and in 1900 there were 17 such places, with a population of 152,019; or, to put it differently, in 1890 6 per cent of the total population lived in towns of 4,000 or more, while in 1900 8 per cent of the total population lived in such towns. The increase in urban population during the decade was a little more than 56 per cent.

There are 347 incorporated places in the State, but only 35 of them have a population of more than 2,000; 12 have 5,000 or more, 6 have more than 10,000. There is no large city, the largest having slightly less than 21,000 inhabitants. There are only 5 States in the Union which show a smaller percentage of urban population than North Carolina.

The population of the State is the most purely American to be found in the United States. In 1900 there were only 4,492 foreign-born persons in the State. This was only two-tenths of 1 per cent of the total population, or 238 foreign persons to each 100,000 of population. This is a less percentage of foreign-born persons than is found in any other State, South Carolina coming next with four-tenths of 1 per cent. This large element of American-born citizenship is no doubt in large measure responsible for the commendable conservatism and sturdy, patriotic Americanism which have always been characteristic of her people.

AGRICULTURE.

The geographical position and the topographical features of North Carolina afford a variety of soil and climate hardly to be found elsewhere within the same range of territory. Starting at the mountain elevation of some 6,000 feet and going east to the sea, a distance of 500 miles, one is astonished at the variety of vegetable life that he sees. On the northwestern plateaus are found the fir, hemlock, and white pine which flourish in the North, while on the low coastal plain are seen the live oak and the palmetto of the semitropics. In the plateau region are seen fields of corn and other crops usually found in the latitude of Pennsylvania, while in the low plains of the south and east flourish the sugar cane and rice of Louisana. This variety of soil and climate makes the State perhaps the richest in variety of products of any within the American Union.

It has been said, and is perhaps true, that North Carolina is the only State in the Union that has an answer to all the inquiries contained in the agricultural schedule of the Census Office. The total land surface of the State is 48,580 square miles, or 31,091,200 acres, and of this area a little more than 73 per cent is included in farms. According to the ceusus of 1890, there were then in the State 178,359 farms. In 1900 this number had increased to 224,637. The value of farm property in 1890 was $216,707,500, and in 1900 it was $233,834,693. Perhaps it would be well here to review the development of agriculture in the State during the past fifty years.

In 1850 the total value of farm property was, in round numbers, $89,500,000. During the decade from 1850 to 1860 there was unprecedented agricultural development, which showed an increase in the value of farm property of $90,000,000. Just at this period of development the manhood of the State was called to arms and the agricultural, as well as all other interests, were left practically to take care of themselves. The shattered remnant of the brawn and brain of the Commonwealth which returned from the battlefields in 1865 saw their farms laid waste and their homes in ashes.

Suffering the bitter pangs which come from having fought and lost and face to face with conditions of poverty and political anarchy beyond description, this broken remnant of the legions who followed Lee and Stonewall Jackson literally beat their swords into plowshares and set about the task of rebuilding a State from the chaotic wreck and ruin brought about by the misfortunes of war. So that while the value of farm property in 1860 was $180,305,812, yet in 1870, after five years of toil and patience amid the ruin wrought by fire and sword, the farm property was valued at only $83,000,000, considerably less than half as much as it was ten years before. Beginning with the new conditions, firmly established about the year 1880, was commenced a progress in agriculture akin to that witnessed during the decade immediately prior to the beginning of the civil war. From that time began the diversification of crops and a scientific interest in the cultivation of the soil.

It is unnecessary to go into details of growth from 1880 to 1890, but some figures relative to the progress made for the past decade, as shown by the censuses of 1890 and 1900, will be of great interest. Beginning with those things which are usually considered of minor importance, it is remarkable to note that in the single item of poultry there was produced in 1900 a value of more than $4,000,000, an increase over the production of 1890 of about 40 per cent. The value of animals sold and slaughtered in 1899 was $9,594,907. The dairy products of the State for the same year are valued at $6,175,397, the item of milk showing an increase over 1889 of 62 per cent and butter made showing an increase of about 29 per cent.

The principal farm crops as measured by value are corn, cotton, and tobacco. In 1889 the State produced 25,783,623 bushels of corn, and in 1899 the crop was 34,818,860 bushels. This crop represents about 25 per cent of the total value of all farm products of the State. The quantities of other grains are not of such importance as to deserve particular notice further than to say that the annual wheat crop is approximately 4,500,000 bushels, and, too, it might be well to note that the unprecedented increase in the production of buckwheat suggests a wonderful adaptability of our soil and climate to the profitable cultivation of this cereal. In 1889 the production of buckwheat in the State was 12,621 bushels, and ten years later this production had increased more than fourfold, or to 52,572 bushels.

The percentages of increase in the acreages devoted to cereal crops in the last decade were as follows: Corn, 15.2 per cent; wheat, 12.1 per cent; buckwheat, 187.1 per cent; and barley, 57.3 per cent. In addition to the cereals above mentioned, there were in 1899 22,279 acres of land planted in rice, and the yield was 7,838,580 pounds, valued at nearly a quarter of a million of dollars. The increase in acreage for this grain during the past ten years has been 82 per cent and the increase in production has been about 35 per cent.

COTTON.

In 1899 there were more than 1,000,000 acres devoted to the cultivation of cotton. This was 12 per cent of the total improved farm land and represented the interests of 105,766 farmers. This was a smaller acreage than was devoted to cotton in 1889 by something more than 12 per cent. The cotton crop of 1889 was 336,261 commercial bales, while that of 1899 was 459,707 bales, an increase in production of 35 per cent. This wonderful increase in production, taken in connection with the fact that the area devoted to cotton was 12 per cent less than it was ten years previous, and making due allowance for poor seasons and short crops for the earlier period, affords a splendid idea of the improved methods adopted by the cotton farmers of the State. The value of the cotton crop in 1899 was more than $15,500,000, being about $2,000,000 less than the value of the corn crop for the same year.

TOBACCO.

As far back as 1849 North Carolina produced 12,000,000 pounds of tobacco. This production was trebled during the next decade, and, with the exception of the period immediately following the civil war, there have been large increases in the production of this plant from year to year. The percentage of increase from 1880 to 1890 was 34.8 per cent. In 1899 there were 203,023 acres devoted to tobacco, which yielded a crop of 127,503,400 pounds, valued at $8,038,691. The increase in acreage for tobacco during the last decade was 109.1 per cent and the increase in production was 250.3 per cent. In 1889 the average yield per acre was 375 pounds, while in 1899 the average yield per acre was 628 pounds. Twenty-five years ago the production of tobacco was confined to a comparatively small portion of the State. Now it is profitably cultivated in 86 counties, and in the county of Pitt, which twenty-five years ago had never grown a pound of tobacco for the market, there was found the largest yield in 1899, viz, 10,733,000 pounds.

The enormous production of tobacco in the State is not the most interesting fact connected with the cultivation of that plant, but the fact that probably half of the bright tobacco of the world is grown in North Carolina and the fact that nowhere else on earth is the weed found to possess so rich a flavor as within certain districts of this State are of greatest significance and importance. It is not generally known that a very large proportion of the tobacco known as "Virginia Brights" is grown in North Carolina. The farmers living in the counties along the northern border of the State found desirable markets in Virginia for their tobacco, and thus the distinction of growing the finest bright tobacco in the world was taken from the State which produced it and given to another. In every State, national, and international exposition in which the North Carolina farmer has entered into competition with the world he has in every instance carried away first prize and gold medals for bright tobacco.

FRUITS AND VEGETABLES.

There is no section of the State in which some variety of fruit can not be profitably grown. The mountain and table-land region, constituting the western third of the State, is especially adapted to the growth of apples. For quality and flavor the apples grown in this region are not surpassed by those grown anywhere else in the world. Large areas of this section of the State are within that isothermal belt in which frost is never known, and consequently a failure in a fruit crop is never known.

In 1890 there were in the State in round numbers four and one quarter million apple trees. In 1900 this number had increased 51.5 per cent, or to nearly six and one-half million trees. The peach thrives in every section of the State, and in some sections almost as well as does the apple in the west. The number of peach trees in the orchards of the State in 1900 was 2,775,000, an increase of 30 per cent over the number reported in 1890. Cherries and plums and prunes thrive in the Piedmont and western sections of the State, and pears are found everywhere from the mountains to the sea. The number of plum, prune, and pear trees has increased more than threefold during the past ten years. Among the smaller fruits, the principal one is the strawberry.

In 1899 there were 6,837 acres in the State devoted to the cultivation of small fruits, and of this acreage 5,616 acres were devoted to strawberries alone. The total crop of this fruit for the census year 1899 was 10,674,610 quarts. About the year 1873 or 1874 an enterprising farmer planted a small patch of strawberries as an experiment. He was so encouraged by the superior quality of his fruit and the high prices which it demanded upon the markets that year by year he increased his acreage with profit. His progressive example was soon followed by his neighbors, and from this small beginning has grown what is now perhaps the most important industry in a few counties in the eastern section of the State.

So rapid has been the growth in the production of this fruit that in the year 1899 the county of Duplin in this State was one of four in the United States which produced the greatest quantity of strawberries. There are six counties in the State that produced in that year more than 1,000,000 quarts each. Blackberries, dewberries, logan berries, currants, gooseberries, and other smaller fruits are being profitably cultivated, and their production offers enticing remuneration to enterprising farmers.

All along the Atlantic coast the soil and climate are particularly adapted to the growth of the small fruits just mentioned,

as well as of all kinds of early vegetables. This section of the State, that a generation ago was considered of little value agriculturally, is rapidly developing into one of the richest and most valuable agricultural sections, not only in North Carolina, but in the whole country. Its peculiar geographical position gives it advantages over points farther to the south. The projection of the eastern section of the State into close proximity to the Gulf Stream gives it a climate milder and better adapted for early gardening than is found in regions 100 miles or more to the south which are not so favorably situated. This advantage, in connection with the fact that it is also many miles nearer the great Northern markets, gives this section a double advantage in point of time for placing its products upon the market.

OTHER PRODUCTIONS.

Most important of the other agricultural products of the State, and perhaps not less important than some of those already mentioned, is the palatable peanut, which is ever growing in popularity wherever it is introduced. In 1899 there were 95,856 acres devoted to the cultivation of this delicious product. The total production for that year was 3,460,439 bushels, an average of a little more than 36 bushels per acre. In the past ten years the gain in acreage for this product has been fourfold and the increase in production has been sevenfold. During the past twenty years the area devoted to peanut growing has increased at least tenfold in the six counties which produce two-thirds of the crop.

Another fine field for profitable farming is found in the production of flowers and plants. While this industry has as yet received little attention, yet wherever experiments have been made they have shown exceedingly satisfactory results. The lands all along the eastern coast are particularly adapted to the growth of flowers and bulbs.

INDUCEMENTS TO AGRICULTURAL HOME SEEKERS.

Aside from a climate that is as nearly perfect as can be found anywhere in the world, no greater inducements can possibly be held out to prospective agricultural home seekers than are found in North Carolina. Our people are hospitable and well disposed to strangers. They welcome anyone from anywhere whose object is to contribute to the upbuilding of the State. Lands are fertile and cheap. As an evidence of the singular unselfishness of the large landholders of the State or of those holding large tracts of land, it is only necessary to state the fact that the average size of farms has greatly decreased from decade to decade, thus indicating the willingness upon the part of the landowners to accommodate those with small capital who desire to engage in farming.

The average size of the farms in North Carolina fifty years ago was 368 acres. The average size in 1870 was 212 acres, while the average size to-day is 101 acres. The average value of farming lands in the State is $6.25 per acre, not including the value of buildings, and the gross income from farms was nearly 34 per cent of the total investment in farm property for the year 1899. This suggests that a very small amount of capital invested in a farm in North Carolina guarantees to its possessor not only a comfortable living, but, if he is frugal and industrious, a reasonable profit as well,

MANUFACTURES.

Although North Carolina is an agricultural State, and no doubt will continue to be so, yet the growth in her manufacturing and mechanical industries during the past fifty years has been most remarkable. The population of the State in fifty years has increased about 118 per cent, while the average number of wage-earners employed in manufacturing establishments has increased more than 183 per cent. In 1850 1.7 per cent of the entire population were employed in manufacturing establishments. In 1900, 3.7 per cent were so employed. In 1850 the capital invested in manufacturing establishments was $7,500,000. During the next decade capital thus invested increased 30 per cent, but from 1860 to 1870, on account of conditions growing out of the civil war, there was a decrease. About 1880 the industrial development of the State began a growth akin to that shown in the agricultural development, but the greatest industrial growth, both absolutely and relatively, is shown in the decade from 1890 to 1900. The following comparative summary from 1890 to 1900, with the per cent of increase for the decade, affords at a glance some idea of this growth:

Comparative summary, 1890 to 1900, with per cent of increase for the decade.

	Date of census.		Per cent of increase, 1890 to 1900.
	1900.	1890.	
Number of establishments	7,226	3,667	97.1
Capital	$76,503,894	$32,745,995	133.6
Salaried officials, clerks, etc., number	3,001	2,589	15.9
Salaries	$2,434,621	$1,278,415	90.4
Wage-earners, average number	70,570	33,625	109.9
Total wages	$13,868,430	$6,552,121	111.7
Men, 16 years and over	44,549	22,665	96.6
Wages	$10,477,765	$5,260,422	99.2
Women, 16 years and over	15,644	6,227	151.2
Wages	$2,394,417	$908,857	163.5
Children, under 16 years	10,377	4,733	119.2
Wages	$996,248	$382,842	160.2
Miscellaneous expenses	$9,118,637	$3,329,101	173.9
Cost of materials used	$53,072,388	$22,789,187	132.9
Value of products, including custom work and repairing	$94,919,663	$40,375,450	135.1
Total population	1,893,810	1,617,947	17.1
Wage-earners engaged in manufactures	70,570	33,625	109.9
Per cent of total population	3.7	2.1	
Assessed value of real estate	$165,968,278	$142,068,932	16.8
Value of land and buildings invested in manufactures	$19,291,964	$8,663,264	122.7
Per cent of assessed value	11.6	6.1	

This table shows that during the decade capital increased 133.6 per cent. Wage-earners increased 109.9 per cent; wages paid increased 111.7 per cent; cost of material used in manufacturing increased 132.9 per cent, and the value of products increased 135.1 per cent. During this period, as has already been shown, the population of the State increased 17.1 per cent. The assessed value of real estate increased 16.8 per cent, and the value of land and buildings employed in manufacturing increased 122.7 per cent. In 1890 6.1 per cent of the assessed value of land and buildings in the State was in manufactures. In 1900 this percentage had increased to 11.6 per cent. Following is given a comparative summary of ten leading industries in the State for the decade 1890 to 1900:

Comparative summary of the ten leading industries.

Industries.	Year.	Number of establishments.	Capital.	Wage-earners. Average number.	Wage-earners. Total wages.	Miscellaneous expenses.	Cost of materials used.	Value of products, including custom work and repairing.
Total for selected industries for State	1900	4,071	$65,067,116	55,642	$10,406,314	$8,020,076	$44,333,174	$77,351,282
	1890	2,068	25,055,097	24,045	4,318,600	2,288,972	17,474,311	28,707,151
Increase, 1890 to 1900		2,003	40,012,019	31,597	6,087,714	5,731,104	26,858,863	48,644,131
Per cent of increase		96.9	159.7	131.4	141.0	250.4	153.7	169.4
Per cent of total of all industries in State	1900	56.3	85.1	78.8	75	88	83.5	81.5
	1890	56.4	76.5	71.5	65.9	68.8	76.7	71.1
Cars and general shop construction and repairs by steam railroad companies	1900	12	539,513	1,141	550,504	29,259	893,150	1,511,376
	1890	9	210,458	434	186,262	(1)	200,335	393,576
Cotton goods	1900	177	33,011,516	30,273	5,127,087	1,030,918	17,386,624	28,372,798
	1890	91	10,775,134	8,515	1,475,932	423,324	6,239,902	9,563,443
Fertilizers	1900	18	2,818,921	427	109,192	108,209	1,044,267	1,497,625
	1890	12	1,513,142	343	89,860	89,316	656,769	994,135
Flouring and grist mill products	1900	1,773	2,905,310	1,019	213,627	65,395	7,218,904	8,867,462
	1890	1,039	2,334,130	1,124	205,946	67,793	4,379,218	5,279,068
Furniture, factory product	1900	44	1,023,374	1,759	333,729	51,921	725,069	1,547,305
	[2]1890	6	126,350	152	38,647	2,754	58,808	159,000
Leather, tanned, curried, and finished	1900	75	1,299,798	366	105,132	32,685	1,129,402	1,502,378
	1890	55	116,364	107	24,188	3,913	115,507	190,887
Lumber and timber products	1900	1,770	13,385,098	11,751	2,491,089	321,048	7,743,235	14,862,593
	1890	713	5,376,807	6,466	1,202,994	232,088	3,038,960	5,898,742
Lumber, planing-mill products, including sash, doors, and blinds	1900	101	1,366,823	1,939	473,589	78,377	1,801,478	2,892,058
	1890	42	488,770	584	195,070	26,284	515,213	915,070
Oil, cotton seed, and cake	1900	21	1,841,856	564	133,195	110,161	2,160,996	2,676,871
	1890	11	743,675	318	56,596	31,877	402,199	529,746
Tobacco, chewing, smoking, and snuff	1900	80	6,874,908	6,403	869,170	6,192,103	4,230,049	13,620,816
	1890	90	3,370,267	6,002	843,105	1,411,623	1,867,400	4,783,481

[1] Not reported.

[2] Exclusive of one establishment for the manufacture of "Furniture, chairs," for which no figures are available, as the statistics were included in "All other industries."

Certainly no better evidence of the industrial possibilities of the State can be found than is shown in the progress made during the past decade. From the tables above it will be seen that in 1900 there was more capital employed in the single industry of cotton manufacturing than in all the industries in the State in 1890. Reference to the census reports shows that 10 counties of the State now have more money invested in manufacturing enterprises than the entire State had ten years ago. The value of products in two industries alone, namely, cotton manufacturing and lumber, is now greater than that of all the manufactured products of the State in 1890.

COTTON MANUFACTURING.

First in importance, on account of its magnitude and also on account of the opportunities it offers for profitable investment, is the cotton-manufacturing industry. In 1890 there were 91 cotton mills in the State, with a capital of $10,775,134, while in 1900 there were 177 mills, with a capital of $33,011,516. The value of the cotton-mill products in 1890 was $9,563,443, and in 1900 it was $28,372,798. More than 30,000 people were employed in these mills, and to them was paid more than $5,000,000 in wages in the year 1900. In that year these cotton mills consumed about 400,000 bales of cotton, which was practically all the cotton grown in the State during the year. Since the census year numerous cotton mills, involving the investment of millions of dollars of capital, have been built, and only within the last few days there has been commenced the erection, at Greensboro, of the largest denim mill in the world. This single mill will cost not less than $1,250,000.

TOBACCO MANUFACTURING.

The State has long been famous for its chewing and smoking tobacco. Some of the largest tobacco factories in the world are located here, and the names of Blackwell, Duke, Haines, and Reynolds, and the brands of tobacco which they have put upon the market, are known all around the globe.

In 1890 the capital invested in this industry was $3,370,267. This does not include the capital invested in cigarette factories. In 1900 the capital invested in this industry was $6,874,908. The value of manufactured tobacco produced in the State in 1890 was $4,783,481, and in 1900 this item had increased to $13,620,816. In other words, capital invested had about doubled, and the value of products is nearly three times as great as it was ten years ago.

FURNITURE MANUFACTURING.

The most remarkable showing made in any industry in the State during the ten years under consideration was in that of furniture manufacturing. While the magnitude of the industry is not such, perhaps, as would attract general attention, yet the growth shown in the table above gives it peculiar interest. In 1890 there were 6 little furniture factories in the State, with a capital of slightly more than $125,000, and the total value of products from these 6 factories was only $159,000. In 1900 there were 44 furniture factories, with a capital of more than $1,000,000 and a product of more than $1,500,000, an increase of nearly one thousand fold in ten years.

THE LEATHER INDUSTRY.

Another wonderful showing, and one almost equal, if not quite so, to that shown for furniture manufacturing, is that in the production of leather. While the number of tanneries has not increased in proportion to the increase in establishments of many other industries, yet the increase in capacity of old plants has made up for the lack of building new ones. Ten years ago there were invested in tanneries in the State $116,364. Now this industry employs a capital of about $1,300,000. Ten years ago this industry consumed materials valued at $115,500, while now the materials used annually are valued at $1,129,402.

In 1890 the value of all the tanned leather produced in the State was only $190,887, while in 1900 these products were worth $1,502,378. This wonderful growth in this industry is accounted for by the fact that up to 1890 its work was conducted only under the primitive methods in vogue a half century ago, while in recent years modern methods have been adopted. An almost unlimited supply of materials for economically conducting this industry warrants the statement that it is capable of profitable enlargement to exceedingly great proportions.

POINTS OF ADVANTAGE.

The growth shown in the tables above and in the facts just stated indicates that unusual advantages for industrial growth are found in the State. Among the first and most important of all the natural advantages for industrial growth and expansion is found in the immense water power of the State, but to this I will refer at some length further along.

The growth of railroad mileage in recent years and the cheapness attending railroad construction settle the question of accessibility to the fields of raw material and to the markets of the world. While, as before stated, the cotton mills of the State now spin more cotton than is grown in the State, the proximity of States farther south practically places their cotton at the very doors of our mills.

The great variety and the abundance of hard woods offer unusual inducements to those who wish to engage in the manufacture of furniture, carriages and wagons, hard-wood materials for builders, agricultural wooden supplies, and all kinds of wooden wares.

The cheapness of constructing buildings is of itself a tremendous item of saving in capital outlay. With an abundance of the very best building woods at the door of every community and an unlimited supply of brick clay everywhere, together with the fact that the mild climate permits far less expensive buildings both for factories and dwellings than are required farther north, reduces the necessary building cost to the minimum. The fact that there are no large cities and consequent high land values, and the further fact that a majority of the most desirable manufacturing sites are situated in small railroad villages, reduces the cost of land for manufacturing purposes to almost nothing.

The productive power of capital is one of the first things to determine in the selection of a locality for manufacturing purposes. To show what capital can accomplish in North Carolina in two of the most promising industries the following facts are submitted:

Each $100 invested in the manufacture of cotton goods in the United States in 1900 yielded a product valued at a little more than $72. In Rhode Island it yielded $64, in Massachusetts it yielded slightly less than $71, while in North Carolina it yielded $86. That is to say, that in North Carolina capital invested in this industry afforded a basis for profit from 15 to 22 per cent greater than it did in the other States mentioned. Or, to express it in a more practical way, $100 invested in this industry in North Carolina is equivalent to an investment of $121 in Massachusetts and to $131 in Rhode Island. These figures bear only upon the relation of capital to product, and when cheapness of building, the earning power of a dollar when invested in labor, and the items of taxes and general expenses are considered, they become even more significant.

Similar comparisons with Michigan for the furniture industry afford even a greater contrast in favor of North Carolina. Each $100 invested in the manufacture of furniture in the State of Michigan in 1900 yielded a product valued at $105, while in North Carolina it yielded $151—a difference of 46 per cent in favor of North Carolina. Or, to use the other method of comparison, $100 invested in this industry in North Carolina was equivalent to an investment of nearly $144 in Michigan. In Michigan nearly 24 per cent of the invested capital for this industry was required to provide the necessary land and buildings, while in North Carolina only 17½ per cent was thus required.

The above comparisons for cotton goods have been made with Massachusetts because that State is the great center of this industry in this country and because there has been made its greatest progress. Rhode Island was also selected because the conditions there are very similar to those in Massachusetts, and also because the volume of business in the latter State is so nearly the same as that of North Carolina. For furniture Michigan was selected, because it is recognized as perhaps the most progressive State in the Union in that industry. These comparisons with States in which the greatest progress has been made and where the highest perfection has been reached give particular emphasis to the wonderful opportunities offered here.

WATER POWER.

In any presentation of any community as a field of profitable investment, or in the enumeration of its natural resources, or in the consideration of the wealth and prosperity into which these resources are capable of being transformed through mill and workshop, the water powers of that community are entitled to prime mention. The water powers of a State are not only a source of present wealth, but they are the guaranty of future prosperity, and may therefore be said to be first in importance among its resources.

Mineral and timber wealth, a generous and fertile soil bestowed by nature's lavish hand, do not necessarily make a State great and rich, but if in addition to these things nature has provided that power which enables man to transform these raw materials into finished products, then that community or that State offers exceptional advantages to enterprise and industry. With perhaps one exception, there is no State in the Union bordering on the Atlantic Ocean that is so rich in the number and extent of water powers as is North Carolina. It has been estimated by an authority that the water power of the State is 3,500,000 horsepower. If the streams of the State can supply an energy equal to 20 per cent of this estimated horsepower there is no measuring her industrial possibilities. The electrical transmission of energy is becoming so general that it is only a question of time when more than 300,000 horsepower, which is now going to waste in the streams of the State, can be made available for industrial growth.

With the exception of Niagara, the greatest water power in the United States east of the Mississippi River is found at the famous Narrows of the Yadkin River.

It requires to-day in round numbers a little less than 60,000 horsepower to run all of the cotton mills of the State. About one-third of this energy now in use is water power. At the famous power just mentioned on the Yadkin River there is available and capable of development nearly as much power as is now necessary to operate all the cotton mills of the State. This great power is now being developed and will make all that region perhaps the most economical manufacturing center in the United States. But this is but one, and while it is the greatest not only in North Carolina, but as already stated, except Niagara, the greatest in this country east of the Mississippi River, there are scores of other points in the State at which tremendous powers are awaitlng development.

There is scarcely a community outside of the low coastal plains

in which there is not some water power capable of development sufficient to carry on some profitable enterprise. On the Roanoke River there is a fall of 85 feet in a distance of about 9 miles. On Deep River there is a fall of 27 feet in a very short distance, besides numerous other water powers on the same stream which are now driving the machinery of more than a dozen prosperous cotton mills. On Haw River there are a number of cotton mills and the two best powers on that stream are still undeveloped. On the Catawba there are numerous splendid water powers, one having a fall of 38 feet. Farther west are numerous water powers equal to some of those already mentioned.

I might enumerate a hundred points in the State at which water power is available to such an extent as to astonish even those who are familiar with the State's resources in this particular. The State can supply many powers which are sufficient for the needs of single enterprises, and, as above indicated, there are some of such magnitude as to supply the needs of a great manufacturing city. Minneapolis, Holyoke, Manchester, Lewiston, Lowell, Lawrence, Bellows Falls, and Rochester, great manufacturing cities of the United States, owe their growth to the water power available in the streams on whose banks they stand. Fall River, Mass., owes its growth perhaps entirely to the water power found there.

I have seen it stated somewhere that the water power at Fall River amounts to only about 1,300 horsepower. It was early utilized, however, by a number of cotton mills, which were found to be so profitable that a large number of steam mills grew up around them, and so has grown the great cotton-manufacturing city of the New World, where the prices of print cloths throughout this country are fixed. North Carolina can supply powers as large as the largest in any of the cities above noted and many as large as the smallest. There is no reason why there might not be within the borders of the State a Minneapolis, a Fall River, a Lowell, and a Manchester, with room to spare for the building of a Holyoke, a Lawrence, and a Rochester.

It is unnecessary to call attention to the cheapness of water power when compared with steam power. While in the future it may not be desirable to use water power directly, it will be employed in creating that best of all powers, electricity. The cost per horsepower for steam is said to be about $50 per year. Electrical energy produced from a great water power can be sold profitably for half that amount. To illustrate how profitable this is to the manufacturer when compared to the cost of steam power, we will say that a mill with $500,000 capital consumes 1,000 horsepower per year, and this power costs, if produced by steam, $50,000.

Electrical power generated by water power and sold at half this rate means a saving of $25,000 a year, or the equivalent of a 5 per cent dividend on the $500,000 capital. It can be produced for even less than half as much as steam power, and is now being sold in my State for much less than $25 per horsepower per year.

It is not necessary here to go into the cost of developing water power, but it may be interesting to note the rates at which power is now or has been sold at a number of places in the United States, and this emphasizes the importance of its cheapness as compared with steam power. I have seen it stated that at Lewiston, Me., the price for water power per horsepower per year ranges from a little less than $2 to $9.37.

At Turners Falls, Mass., the usual rate is $7.50 per horsepower, and the same rate is said to prevail at Bellows Falls, Vt. At Cohoes, N. Y., the annual charge per horsepower is $14.67, while at Paterson, N. J., the price runs as high as $50 per annum, and at Augusta, Ga., the price has been as low as $5.50 per annum. At Weldon, N. C., water power is now sold at the rate of $15 per horsepower per year, and this includes a building site and a full twenty-four hour service, and electrical power generated by the water power is furnished at the same rate for a twenty-hour service. These figures emphasize the advantages offered to manufacturers in the water powers of the State.

FORESTS RESOURCES.

The forests of North Carolina have long comprised one of the chief resources of the State. Considering the extent of these forests and the great number of timber species included, it is not strange that they have been largely drawn upon. Notwithstanding the vast amount of timber that has been cut, an abundance still remains, and the lumber industry of the State is rapidly increasing. The wooded area of the State is estimated by the Division of Forestry, Department of Agriculture, to be 35,300 square miles, or 73 per cent of the total land area of the State.

There are two distinct timber regions in North Carolina. One is the coast plain and includes the northern extension of the long-leaf pine belt and the other is the mountainous portion of the State farther west, which produces hard woods in great varieties. The amount of hard-wood timber now remaining in the mountainous part of the State is 10,760,000,000 feet. Of this total stand of hard-wood timbers 41.41 per cent is oak, 17.21 per cent is chesnut, 5.30 per cent is hemlock, 2 per cent is buckeye, 2.69 per cent linwood, 3.3 per cent is birch, 2.67 per cent maple, 3.16 per cent hickory, 1.85 per cent poplar, and the remainder comprises a great variety of species in comparatively small quantities.

The amount of merchantable pine timber remaining in the eastern portion of the State is probably 8,200,000,000 feet. There are also found in the eastern section large quantities of loblolly pine, short-leaf pine, cypress, gum, and white cedar. Taking the two regions together, there remains at present in North Carolina a stand of at least 19,000,000,000 board feet of merchantable timber. This takes no account of second-growth timber or of species which at present have no particular commercial value. The reports of the Twelfth Census show that the value of forest products for the census year was $14,862,593 in lumber and $1,055,695 in naval stores.

In 1890 there were 713 lumber and saw mills reported, with a capital of $5,376,807. These mills employed 6,466 persons and paid wages to the amount of $1,202,994 and yielded products valued at $5,898,742. In 1900 the number of mills had increased to 1,770, with a capital of $13,385,097. The number of employees had increased to 11,751, the wages paid were $2,491,089, and the products were valued at $14,862,593. In other words, there were two and one-half times as much capital invested in 1900 as there was in 1890, and an even greater increase is shown for the value of the products.

Of the total value of products for the year 1900, $10,951,145 was for rough lumber. Of this amount $9,182,590 was for yellow pine, $833,366 for oak, $586,123 for poplar, and the balance embraced cypress, ash, chestnut, maple, hickory, walnut, and several other varieties of hard wood. The census of 1900 shows that the lumber companies of the State now own 6,488,400,000 feet of standing timber and that these companies in the year 1900 cut 1,415,978,000 feet. The lumbering of pine and hard woods has increased steadily in value since 1850, and has more than doubled itself twice in the last two decades.

The State is unusually rich in the number of tree species and also in favorable climate and soil which increase the production of the forests. North Carolina is almost unequaled and unapproached by any other State or Territory in the variety of its hardwoods and conifers. The coastal plain bears the northern extension of the great southern maritime pine belt, which for the last twenty-five years has furnished a large part of the hardwood consumed both in the United States and abroad. The lowlands of the coast carry gum, cypress, and white cedar.

The Piedmont Plateau between the coast plain and the Blue Ridge has forests of oaks and hickories mixed with pines. The mountain forests consist of the greatest variety of hard woods, the most notable of which are the yellow poplar or tulip tree, white and black oaks, hickory, chestnut, black walnut, basswood, birch, maple, beech, ash, and wild cherry, together with the Northern white pine, hemlock, spruce, and fir. Altogether there are 153 species in the forests of North Carolina, and of these over 70 are trees of the first size, and 57 are of great economic value.

Twenty-four oaks occur in this State, which are 3 more than occur in any other State in the Union. Of the 9 hickories in the United States, 8 are found in North Carolina. All 6 of the Eastern maples, and all the 3 lindens occur here, as do all 6 of the magnolias. The 3 most important timber species of the birches are found in North Carolina; 8 of the 11 pines; both species of hemlock and balsam fir, and 3 of the 5 elms.

The cypress is a tree of great commercial value. It occurs in the coastal plains along streams and swamps, and the timber is especially good for shingles and is used extensively for construction and for interior finishing. In the year 1900, 31,345,000 board feet of this timber were cut and 63,476,000 shingles were made.

White cedar is also found in great abundance in the coastal plains. The shingles manufactured from this timber in 1900 were 28,880,000.

The yellow poplar is perhaps the most important of the hardwoods. It occurs all over the State, but is most abundant, attains its greatest size, and produces the finest timber on the lower mountain slopes west of the Blue Ridge. In this region the poplar sometimes grows to 8 to 10 feet in diameter and trees are more than 150 feet high. In the year 1901 about 197,000,000 feet of merchantable yellow poplar was standing in the mountains of western North Carolina. The lumber product of poplar in 1900 was 51,686,000 feet.

Next to poplar in importance among the hard woods is the oak. The cut of white-oak timber in 1900 was 86,245,000 feet. Large quantities of oak still remain in the State. Ash, chestnut, hickory, black walnut, and basswood are found throughout the mountains and Upper Piedmont Plateau.

MINERAL RESOURCES.

North Carolina is noted for the great variety of its minerals, and this fact, together with the continual discoveries of new localities of various minerals in commercial quantity, has made it

one of the foremost fields for exploiting and research by the prospector and mineralogist. From one cause and another the State has gained the reputation of containing a little of nearly all the minerals. It seems that it would be easy to maintain this reputation, for it is a fact that more than 200 species and subspecies of minerals have been identified in North Carolina. It is a fact, too, that 16 species of minerals were first identified in this State. Of this number of more than 200 there are 68 that are of economic importance, and 32 that are found in sufficient quantity to make them of considerable commercial value. Of this number, 23 varieties are species which have been mined during the past few years.

Fifty years ago North Carolina was prominent among the mining States of the Union, and prior to the discovery of gold in California she furnished a very large proportion of that metal produced in the United States. Since the development of the enormous mining interests in the Western States, however, the mineral resources of North Carolina have become relatively less important. There has been a steady development, however, during the past decade. The value of her mineral products in the year 1901 was nearly double the production of 1890.

Gold deposits are known to occur over an area of from 8,000 to 10,000 square miles in the middle and western sections of the State. The first gold mining in the State was confined to placer deposits, and nuggets weighing from 10 to 15 pounds were found in several localities. The sulphide ores, however, are most abundant, and while such deposits have not furnished the bonanzas in gold mining, yet with the improved processes that have been discovered for their treatment, very low grades can now be profitably worked, and the State offers an inviting field in this direction.

Copper ores have been found in considerable quantities at a number of localities. In recent years large expenditures have been made in developing these mines. Iron ores are widely distributed over the State and include magnetite, hematite, and limonite. Nearly all of the iron ores of the State are low in sulphur. Iron mining in North Carolina dates back as early as 1729, when some shipments of iron were made to England. This industry almost kept pace with the settlement of the western portion of the State, and the remains of old workings are still visible everywhere. One of the most noted deposits of magnetic iron ore in the country is found at Cranberry, Mitchell County.

Mica is very widely distributed over the western portion of the State, and a number of mines are being profitably worked.

Monazite is found in great quantities. This mineral has come into prominence commercially during the past few years because of its extended use in the manufacture of hoods for Welsbach incandescent gas lights.

In the variety of gem minerals North Carolina perhaps exceeds any other territory of similar extent on the face of the globe. There is certainly no State or country that excels her in variety of corundum gems. It is found red, ruby red, sapphire, blue, dark blue, various shades of green, rose, pink, gray, purple, green, yellow, violet, and colorless. There are found in the State nine varieties of this gem that are commonly recognized by the lapidaries. Other varieties of gems are the diamond, garnet, beryl, hiddenite, and a number of quartz gems, including the amethysts and topaz.

The State is exceptionally well provided with building stones, which are found in great abundance in the middle and western sections. There are a number of important quarries of sandstone, brownstone, and granite. The most common varieties of granite are the pink and common gray granite. Gneiss of a superior quality is found in great abundance. Besides these are found in considerable quantities a very pretty mottled porphyritic granite and rich feldspathic, which, when polished, closely resembles the red Scotch granite. Marble occurs extensively in a number of counties, and with the development of transportation facilities these marble deposits will constitute an immense source of wealth to the State.

Kaolin is found in a number of localities throughout the State. Many of these deposits of kaolin are fine in quality and abundant in quantity. There are many deposits of other clays found in every section of the State. These clays are suitable for the manufacture of brick, stoneware, terra cotta, and fire brick. Immense deposits of talc and pyrophyllite are found in the central and western sections of the State. These deposits are of the very finest quality and afford handsome remuneration to those who have engaged in their development.

FISHERIES.

The fisheries of North Carolina have long been of great importance, and in nearly all respects this importance has increased from year to year. In the number of persons employed and the value of products the fishing interests of the State are more than twice as important as those of all the other South Atlantic States combined and nearly equal to them in amount of capital invested. The prominent position of this industry in the State is no doubt chiefly due to the vast extent of its sounds and other coastal bodies of water. There are 26 counties in the eastern portion of the State which are represented in commercial fisheries. Of this number, 17 have a frontage on the ocean or on the sounds tributary thereto.

In 1880 the capital invested in the fishing industries of the State amounted to $506,561. In 1897, the latest year for which we have been able to find available figures, the capital invested had increased to $1,218,459. In 1890 the product of the fisheries of the State were 51,799,142 pounds, and in 1897 the products were 64,234,257 pounds, or an increase of 24 per cent. The value of the fishery products in 1890 was $1,027,669, and in 1897 this value had increased to $1,316,017, or a gain of 28 per cent.

The waters of the State abound in as great a variety of fishes as can be found in any other similar extent of territory in the world. Those varieties which abound in greatest abundance and which are recognized as among the most desirable market varieties of fish are the alewife (commonly known as herring), black and striped bass, bluefish, mullet, shad, Spanish mackerel, squeteague, and oysters. Shad and oysters are by far the most important product of the fisheries of North Carolina, and these are followed in importance by the alewife. The most important of these three is the shad. North Carolina produces 18 per cent of all the shad caught in the United States, and as an evidence of the superior quality of the North Carolina shad and of its popularity in the markets of the country it is only necessary to state that, for this 18 per cent of the entire shad catch of the country, the consumer pays 23.9 per cent of the value of the entire shad catch of the country. In the quantity and value of the alewife North Carolina stands at the head of the list among all the States of the Union.

In 1890 the fisheries of the State employed 10,274 persons. In 1897 the number employed was 12,045 persons, or an increase of more than 17 per cent.

The shore enterprises of the State dependent on the fisheries are of considerable importance. The menhaden business was represented by six factories in 1897. The wholesale trade in the canning industry in the year 1897 sold products to the value of nearly a half million dollars. The great extent of the inland waters along the coast offers superior advantages for the prosecution and extension of this great industry.

EDUCATION.

The educational interests of the State are now uppermost in the minds of all the people of the State from the governor down to the humblest citizen. While we stand close at the bottom of the list in literacy, yet the progress made in education in the last ten years is a bright page in North Carolina history. When we consider the conditions which existed from 1865 to 1875, the advancement made along the lines of public education is fully commensurate with the progress made in other directions. Those not familiar with these conditions can not realize what obstacles have been surmounted and what victories for intelligence have been won.

If you can picture a once prosperous State laid waste; a proud people under the dominion of former slaves; a government in the hands of alien freebooters and their allied dupes newly armed with citizenship; a government collecting taxes for education and taking these taxes to reward acts of State treason; a government which closed the doors of the State University in the faces of the best young manhood of the State who were clamoring to enter there; a government which, as just stated, not only collected taxes for education and misappropriated them, but they went even so far as to steal and squander special funds provided by the General Government—if, I say, you can draw a picture of these things and of such conditions, you can then have some faint conception of the circumstances under which North Carolina undertook the work of educating her children.

Under such conditions is it any wonder that there was little educational enthusiasm? But undaunted by the acts of rapacity and plunder just noted, and keenly alive to the absolute necessity of training a citizenship of educated men and women, the State about 1876 took up the tremendous task of first creating a sentiment for public education among all classes of her people, and then to provide the necessary facilities for their education, but we will let figures tell the story of the past ten or twelve years.

So slow was public sentiment in demanding public education that in 1890 the State expended only $721,756 on public schools. In 1900 this had increased to $1,031,328, and in the year following, 1901, there was still a further increase of nearly $100,000. Besides these amounts expended in 1900 and 1901, there was an additional sum of about $200,000 expended in the graded schools of the larger towns of the State.

In 1890 the school population of the State was 586,668, and of this number 216,524, or 37 per cent, were colored children. In 1900 the total school population was 659,629, of which 220,198, or

33 per cent. were colored. The total enrollment in the public schools in 1890 was 322,533 and in 1900 the total enrollment was 460,452. The proportion of enrollment for the two races was about the same as that shown for the total school population. In 1890 the average length of school term for the white race was 11.85 weeks and for the colored race 11.81 weeks, while in 1900 the school term for the white race was 14.66 weeks and for the colored race 13.7 weeks, and in the year following, 1901, the average school term had increased to 15.56 weeks for the whites and 14.49 for the colored.

The number of public schoolhouses in the State in 1890 was 3,973 for the white race and 1,820 for the colored, or a total of 5,793, while in 1900 the schoolhouses for the whites had increased to 4,798 and for the colored to 2,120 and the total to 6,918. The figures above indicate that the negro has had his proportionate share in public education in the State. It is an interesting fact, however, that while he has received his due proportion according to population, yet in 1900 he contributed only 12 per cent of the school tax actually paid. He contributed 12 per cent of the money expended in public education; he contributed 33 per cent to the total school population of the State, and he received 27 per cent of the total apportionment of school funds, 30 per cent of the total amount paid to teachers, 28 per cent of the total amount paid for teachers' institutes, 24 per cent of the total amount invested in school property.

While it is charged that the white people of North Carolina have disfranchised the negro and attempted to take from him those political rights guaranteed by the Constitution, yet those making the charge have never been fair enough to say to those who heard them that these same white people were expending hundreds of thousands of dollars each year for the education of this race.

Since 1874 the taxpayers of North Carolina have contributed more than $5,600,000 to negro education, and what is worthy of special note is the fact that of all these millions the negro himself paid less than 10 per cent, and the balance was paid by white taxpayers. When it is understood that the negro pays a greater proportion of educational taxes than he does for any other object, because of the fact that the bulk of the poll tax goes into the education fund, it will be easy to understand what a very small proportion of the general tax fund is contributed by the negro.

The negroes of the State own less than 4 per cent of the assessed valuation of property and their contribution in taxes to general objects is in proportion to their share of the assessed valuation of property. So that the white people of the State have not only paid more than 90 per cent of the money that has been expended on negro education, but they have also paid more than 95 per cent of the general taxes. If any State or community in any part of the world can show an example of greater generosity toward an inferior and a politically hostile race than the white people of North Carolina have shown to the negro, then the statements made by those who have charged my people with unfairness to the negro may go unchallenged.

In addition to the public schools above mentioned, as has already been intimated, there are graded schools in all of the more important towns of the State supported by local taxation. These are not included with the public schools above mentioned. Add to the public schools and the graded schools 500 private preparatory academies and high schools, with an annual attendance of 40,000 pupils, and you have some idea of the educational forces at work along the lines of public education. Our State University stands par excellent among other similar institutions. The State College of Agriculture and Mechanic Arts has grown in magnitude and usefulness, until it now ranks among the best industrial colleges of the country. A school of similar character as the College of Agriculture and Mechanic Arts is also provided for the colored race, so that they have the same opportunities along industrial lines as the whites.

The most useful and perhaps the finest and best-equipped normal training school for female teachers in the United States is in North Carolina—the State Normal and Industrial College, at Greensboro. Her denominational colleges, owned and fostered by the leading denominations of Christians in the State, rank as high as any of their kind in the country. In this connection it will be interesting to note, too, that while these colleges have been in a comparatively flourishing condition for a great number of years, yet during the past ten or fifteen years they have shown their most wonderful growth. Their endowment funds have been increased enormously, the scope of their work has been extended, and in every particular they have fully kept pace with the highest educational advancement of the times.

Thus I have described in part the people, the resources, and possibilities of North Carolina. The greatest of these assets are her people and the greatest possibilities of growth and progress and wealth lie in her children. These must be educated, and their training must be along the lines which will best fit them for doing things and for bettering themselves and their State. There must be not only mental discipline, but manual training, and at the same time moral nurture and patriotic sentiment must be furnished and cultivated. When the citizenship of the State shall be so educated the one thing lacking will have been supplied and North Carolina will become in fact the ideal State of the Union.

The State is to-day in more healthy condition than an any period in the past, There is a spirit of unrest with present conditions. There is an aspiration well nigh universal for education and progress, and it is believed that the movement will continue to grow.

I am indebted to many sources for the material upon which these remarks are based. The North Carolina department of agriculture and the various departments of the National Government, including Prof. J. A. Holmes, State geologist of North Carolina, have all been most courteous in responding to the requests for information and data. However, I am under the greatest obligations to Mr. Thomas M. Robertson, expert of the United States Department of Labor, who has contributed most largely to its preparation and without whose labors the work could not have been accomplished. Mr. Robertson is a native of the State, but has for years rendered most valuable services in the Department of Labor and in the work of the Eleventh and Twelfth censuses.

Correctness has been sought in all data and statements which have been submitted, the purpose being to outline a practical exposition of the State's resources. The story needs not fine phrases or rounded periods to make it attractive. The figures portraying its growth are in themselves eloquent and its possibilities and future are an inspiration.

Mr. TAYLER of Ohio. Mr. Speaker, I have listened with much interest to the remarks made by the contestee in his own behalf. I was curious to learn what view he would take of the situation which has been so graphically presented to the House by the vast amount of testimony that was taken and brought before the committee. If I could have the attention of the gentleman from Missouri [Mr. Butler], I would take advantage of this opportunity to extend my congratulations to him and to the gentleman from Tennessee [Mr. RICHARDSON], who so admirably leads the minority on the floor of this House, upon the perfect recovery which the gentleman from Missouri has made from that illness of which the gentleman from Tennessee so pathetically spoke yesterday.

I tremble, Mr. Speaker, to think what strength the gentleman from Missouri, the contestee, might have displayed and what influence he might have exercised upon this House if he had addressed it for an hour with the full vigor of health within him. [Applause on the Republican side.] I must congratulate the contestee upon the very able speech which he has just made, upon the fair presentation of his side of the case which he has made; I heartily congratulate him in that respect.

Mr. BUTLER of Missouri. May I interrupt the gentleman for a moment?

Mr. TAYLER of Ohio. Certainly.

Mr. BUTLER of Missouri. Mr. Speaker, with reference to my illness, I desire to say that I rose from a sick bed and came here yesterday, and that I am at this moment under the influence of large quantities of morphine in order to keep me up in this case. I certainly do not want this House to believe for one moment that I feigned illness for the purpose of influencing this House. I did not know that the protest was being made on account of my illness or I certainly should have been here myself. I trust gentlemen of this House will do me the credit to believe me in this case.

Mr. TAYLER of Ohio. Well, Mr. Speaker, I must only accentuate and emphasize my congratulations.

Mr. RICHARDSON of Tennessee. The gentleman having referred to me by name, I desire to say that the only evidence I had was the certificate of the surgeon or the physician at the Raleigh Hotel, Dr. McLaughlin, I think, if I have the name. I saw it written, in the possession of Mr. BOWIE. I stated it upon a certificate of a reliable and responsible physician, and I believe it to be true, notwithstanding the insinuation of the gentleman from Ohio to the contrary.

Mr. TAYLER of Ohio. I am sorry that the gentlemen will not take me candidly when I congratulate them. Is not the gentleman from Missouri to be congratulated?

Mr. RICHARDSON of Tennessee. I do not know.

Mr. TAYLER of Ohio. I do not know either, then. He is well enough for our purpose. I do not know what we would have done if he had been better. But I think he displays entire familiarity with the facts in this case and an astonishing, a most astonishing, intellectual force in view of his statement of his condition.

But I desire to make an observation, Mr. Speaker, which will furnish in a measure the text of the remarks I make. He has asserted here with numerous adjectives and with every superlative that his voice could express the utter honesty and fairness and the entire propriety of the Democratic managers in the city of

St. Louis. When we remember all the experience that the contestee has had with the election methods in that city, and when I hear him characterize these methods as being made up altogether from virtuous impulses, I can not help but think of these few lines so familiar to us all:

> Vice is a monster of so frightful mien,
> As to be hated, needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

I was interested, as we all were, in the contestee's beautiful characterization of a newspaper out in St. Louis that has been supposed to be the bedrock of Democratic doctrine in all that country, and when he reached the very summit, the climax of his declamation of abuse of that sheet, I was interested to notice all his Democratic colleagues from the State of Missouri, who I supposed in times past had been supported, and in the immediate future expected to be supported, by that paper, vociferously applaud that sentiment. I do not think, my friends, that that argues much for Democratic harmony in the good old State of Missouri.

Now, I shall not take up much time, Mr. Speaker, in discussing this case. I shall only sketch it roughly, in outline, with broad lines, without going into the details, which would take many hours to properly put in the picture. As most of those who honor me with their attention now know, I am serving my fourth term upon a committee on elections, and my third term as chairman.

I have endeavored during all these years of service to give the best thought and the best attention that I could to the duty that was laid upon me, and as conscientiously as I knew how to arrive at a conclusion. I have seen many election contests; I have argued many of them on the floor of this House. I have sometimes been shocked and horrified by the testimony of election frauds in the Southern States; and yet while there were no apologies to offer for these frauds, we have all felt that there were some things at least to be said for the state of mind which for obvious considerations our brethren in the South might get into.

But I desire to say here and now, measuring my words deliberately and carefully, that of all the other elections that have come to my attention, officially or unofficially, they are in the main fair and honest as compared with the frightful scandals and shameless conduct that characterized the election in St. Louis in 1900. I have not much compliment to pay to the civic pride, to the sense and desire for public justice in a community that could permit the things to be done that have for years been permitted in that city. This was the boldest, the most impudent, the most outrageous election I ever heard of.

Let me tell you what it was in a few words. The election law of Missouri as passed in 1895 provided for three commissioners of election, two of whom in the course of things should be Democrats and one a Republican. The law went on to provide that the judges of election in the various precincts of St. Louis should be selected in this way: The Democratic commissioners should select the Democratic judges and the Republican commissioners should select the Republican judges; that the judges should belong to and be recognized members of the party which they were supposed to represent.

The law, not satisfied with that careful precaution against having lukewarm or dishonest or unfaithful partisans in control of the election, went on to provide that when these officials had selected the judges, their names should be sent up to the court, and notice given to the public a certain length of time to show cause why any proposed judge or clerk of election should not be appointed.

The result was that every election judge in the city of St. Louis, in the natural order of things, was true to the party which he was supposed to represent. Now, that ought to be good enough law for any community. I could not criticise a community that did not take up that kind of a measure when it had something else, but having that measure crystallized in the form of a law, we must suspect the motives which induced them to change and relax these righteous provisions.

So in 1899 they passed what is known as the Nesbit law. The Nesbit law is not such a bad law. It would not be significantly bad if it did not repeal the righteous provisions of what was known as the Filley law. Every man knows that the purity of elections rests first and most important of all upon the purity and honesty and fidelity of the judges and clerks of election.

Now, having a law that made it certain that these would be honest and faithful judges and clerks of election, they repealed it and provided one like this: That the judges and clerks should belong to different political parties, but it was in the hands of the commissioners of election, in which body the minority Republican commissioner was a mere cipher with no power whatever, with no right to select, and in deed and in fact with no voice, because the law provided that the majority should control that body, that that body should elect a deputy commissioner of elections, and that that deputy commissioner, when the body itself was not in session, should have all the powers and authority of the commissioners themselves. The result was the commissioners of election rarely met at all.

Mr. BOWIE. Will the gentleman allow me an interruption?

Mr. TAYLER of Ohio. Yes.

Mr. BOWIE. Will the gentleman deny that the record shows that every Republican judge and clerk in this Congressional district, as well as in the Tenth and Eleventh, were selected in the manner recommended by the Republican commissioners?

Mr. TAYLER of Ohio. Oh, I certainly deny that such was the fact.

Mr. BOWIE. The record shows that it was.

Mr. TAYLER of Ohio. It will suffice for me to say now, since the gentleman interrupted me, to answer that observation by this——

Mr. BOWIE. The gentleman will excuse me; I was interrupted a few times myself yesterday.

Mr. TAYLER of Ohio. I have not objected to the gentleman's interruption.

Mr. BOWIE. I thought the gentleman did.

Mr. TAYLER of Ohio. No; I am replying to it now instead of later on. First, it is not true that the judges and clerks, in the way in which the gentleman states it, were nominated by Republican officers, those selected by the commissioner. I say that the testimony shows that that is not true.

But that is not all. There is the record, the ballots of 113, and 113 only, of the Republican judges and clerks who were appointed. And the ballots of these 113 men show that 54 of them voted for Mr. Butler; that 6 of them did not vote for Mr. Horton, and only 53 out of the 113 so-called Republican judges and clerks voted for the Republican candidate for Congress.

Now, I do not care how they got there; I do not care how these judges were debauched, whether in their original choice or after they were selected. The fact is they were the creatures of Mr. Butler's managers, and that is enough to answer that proposition.

Well, now, we have discovered by the language of this law—we have discovered by the concrete illustration I have just given you as to the operation of this law—how they laid the foundation for the result they sought to obtain.

But there were other troubles that they had to get over. I do not know that this law troubled what is known as the "Butler crowd" in the city of St. Louis. I think they have, or ought to have, written over the portals of the Jefferson Club, which is said to be the headquarters of the police and the "Butler crowd:"

> For forms of election laws let fools contest;
> What's worst administered is best.

I think they could get along with any kind of a law.

But the law provided that challengers representing each party should be present, and it was necessary in the Democratic scheme to see that those challengers were prevented from performing their duties, and in that view they saw to it that in every precinc where their nefarious work was to be carried on there should appear a force of policemen, from 2 to 10, for the purpose of preventing, as in many cases they did prevent, honest men from performing their duty.

Let me tell you what they did. They had a central place of registration, a general registration law existing in that city. They had a central place of registration, as well as local places in the several precincts. But the word went out that they must register at this central office. Now, this is what happened: The Democratic managers selected their supple and complaisant tools, and each man was instructed to register at the central office of registration 5, 10, 20, 30, 50 times, as often as he could under such name or names as the Democratic managers gave him on a slip of paper. Thus John Smith in his own proper name and character of John Smith was presented with five or ten or a dozen or twenty slips of paper.

On the first of them he discovered that his name was William Brown; that his age was 28; that he lived, for instance, at 1545 Olive street, which was in the second precinct, we will assume, of the Fourteenth Ward. So John Smith walked boldly up to the registration office, where a blind man, who could see enough and no more to handle a pen, was ready to see and register him. And so he enters his name "William Brown, age 28. I live at No. 1545 Olive street."

And he is registered. He goes out into the hall, and in five minutes he comes back again, and his name then is William Johnson, 29 years old; and he lives on another street and in another precinct. He goes out again and some of his comrades say: "We are afraid somebody will get onto us;" they change hats and coats, and John Smith registers again as Tom Brown from another street, in another precinct. And so he and his companions go on the register just as many times on just as many days as they think they safely can.

Now, whether this mass of fraudulent registration was done

by 50 men or 500 men is unimportant. I am telling you now what the witnesses saw. They saw the men go into the registration office; they saw them come out; they saw them change their hats and coats; they saw them go in and read off from a slip of paper their new names and description, and come out again and go back again, and so on indefinitely. Five different witnesses saw crowds of that kind at work.

Well, now, from one source or another, just prior to the elections the public was advised of this enormous over-registration in the city of St. Louis. Why, sir, any man who could get hold of a registration list and would look at it for a moment could discern, for instance, this fact: That in two blocks of that city wherein the chief of police, the Democratic manager, says there is nothing but bawdyhouses to be found 111 men were registered; and upon inquiry it was found that there were not to exceed 11 men who could possibly live there.

So here, there, everywhere, the evidence of this enormous fraudulent registration appeared. There were no less than 50 vacant lots, which harbored, probably, hundreds of people. There were livery stables, lumber yards, coal yards, blacksmith shops, car barns—everything that could have a number had its registered people. Some people lived in the middle of the street, if we can believe the testimony of their registration slips, because the numbers appropriate to their registration would land them over in the middle of the street.

So I say the evidence multiplied of thousands of these people who could not be found, who did not live there. They were purely fictitious persons. They were born on a slip of paper and lived their life on a registration list. Fifteen hundred registered letters were sent out to names of persons believed to be fictitious and the mail carriers undertook to deliver them. Probably not 5 per cent of them found the people whom they sought. My friend from Alabama [Mr. BOWIE] says that the other 95 per cent heard somebody say that the registered letter had in it only a little notice, of no account, and so they all got mad and refused to take them or would not go after them or kept away at such times as the mail carriers sought to find them. [Laughter.]

One of the witnesses testified—I believe it was a letter carrier—that he went into one saloon where there were about 30 or 40 men registered, the saloon not having rooms enough for 3 or 4. He asked the man running the place, running down this whole list of names, if they lived there. "Oh, yes," was the reply, "they all live here." That man was onto his job. He went to the next place, to a man who was similarly informed as to what his duty was with respect to answering questions about registration, and asked him if so and so lived there.

Yes, was the answer. After going down through two or three names of the people registered there, he gave his own name, the name of the chief of the mail carriers, and several other people who did not live within several miles of there. The reply was that they all lived there, just the same. [Laughter.] Now, I want you to understand that I am merely giving you mild illustrations of what actually occurred.

The precinct committeemen canvassed and found hundreds of men registered who did not live there. A man who had lived for years, for instance, at 609 of a certain street swore that men that were registered from 611 and 613 of the same street did not live there and never had in their time lived there. The contestant called people who lived in the houses wherein and wherefrom scores and scores of people were said to live and to be registered, and they said no such people lived there, no such people ever lived there, and of all the cloud of people thus discredited as having been fraudulently registered, not one of them was called to the stand to testify that the testimony which was introduced by the contestant was false. Nor is there, except in one accidental case, I believe, a particle of testimony in the whole case that implies even that a solitary one of the thousands of people shown to be illegally registered actually did live at the places from which they were registered.

Well, now, we can understand that when John Smith masqueraded under twenty different names at twenty different precincts it would be impossible for the hand of the law to be laid upon him, unless it caught him at the instant of fate when he, John Smith, under the name of William Jones, for instance, was offering his illegal vote at a certain voting place; and it is evident that unless there conspired at the election place a man charged to see who was voting and a man who had a warrant with which to arrest a man who was illegally voting, you would never have the means within your power to arrest a single one of these suspicious persons, because, having once voted, and having disappeared and destroyed his memorandum, no one could thereafter prove that John Smith, who was a total stranger at that precinct and was never before seen there, had voted under the name of William Jones. He himself, in the multiplicity of his votes during that time, no doubt would himself forget the various names under which he had voted.

Deputy sheriffs were armed with warrants for the arrest of several persons illegally and fictitiously registered; but the police unlawfully refused to permit them to go nearer than 100 feet from the polling booth, and the challengers in the booths were, when loyal and determined, driven out. Thus the desired information that some one was illegally voting under the fictitious name could never be given. If not given at the instant, it could not, of course, be given at all.

Now, let me sketch another little picture in this relation. In a practical and concrete way, how did they do it? I will tell you one of the ways. The chief mogul of the Democratic party in the city of St. Louis is Edward Butler, the father of the contestee. I have never had such cogent testimony presented, to my mind, of the political value and importance of an individual as when I discovered that the Missouri Democratic delegation in this House, almost to a man, when they came to make a choice between the St. Louis Republic, a great Democratic newspaper, and Edward Butler, selected Edward Butler and turned down the Republic.

Edward Butler, I say, was the leader and the master of the Democratic forces in St. Louis. So, early on the morning of election day in 1900, at the order of Edward Butler, an immense band wagon, capable of holding fifteen or twenty or more people, started from a livery stable in that city and met at an agreed spot and was soon loaded up with a man named Jack Williams and what became known that day in St. Louis as his "gang of Indians."

Now, that Williams crowd in the wagon traveled all over this district, or in certain wards of this district, stopping at eight different places, each of those eight places being in close proximity to from three to five election precincts; and, bold as it may appear, impossible of conception as it would seem to us, that party of men, reinforced from time to time by volunteers who did not travel through the route in that wagon, stopped at no less than 23 different polling places and voted. I know not, no man knows, how many times each one of them voted at each voting precinct where they stopped.

Each man was supplied with a number of slips upon which was inscribed the name of a certain individual who had been formally registered—that is, whose name was on the list, giving his address and his age. He had never heard of that name before and he only knew when his leader gave him that slip that a name corresponding to that name was duly inscribed upon the registration roll in the precinct there where he was to do the voting, and that unless there was somebody there who knew that he was a fraud and could instantly apprehend him he could then and there vote with entire impunity. And so this went on hour after hour, from place to place, voting more than once if it was convenient to do so, and only once if it was dangerous to do more.

Now, there was one witness who testified—and I give you this as an illustration only, for I am only illustrating this case—there was one witness who testified that this crowd came to his precinct along about 10 o'clock in the morning, and that they voted a number of times, he does not know how many. He was a challenger, and at the moment when the repeaters approached he was ejected from the polling place.

His recollection as to the number in the crowd is indefinite and uncertain. That is unimportant. Other witnesses followed this wagon to this place. We know it was there; we know that just before noon it reached that precinct, which is the second precinct of the Twenty-third Ward. When they came there approximately 140 people had voted. They remained there for an hour or two, or part of them did, voting and revoting. When that testimony appeared, I had a curiosity to pursue the inquiry and see where it would lead to.

The House has been informed in this debate heretofore that under the constitution of Missouri every ballot is preserved, and it has the number that is opposite the name of the voter on the poll list itself. So that if I want to know how John Smith, whose vote was No. 250 on the poll book, voted, I have simply to go to the ballots and find ballot No. 250, and there we learn how he voted. In this case these ballots were examined, recounted, and certain deductions made from them; and I have here one of the volumes containing copies of the poll lists of the various precincts in some of the wards in this Congressional district.

I discover in that second precinct of the Twenty-third Ward, where the evidence respecting Jack Williams's gang of Indians is so specific and in the main so satisfactory, that, beginning with ballot No. 140 and running down to ballot 260, every single ballot between those numbers was cast against the Republican candidate for Congress in a precinct in which the parties were fairly evenly divided. There was a majority of Democrats in that precinct, but 121 men there voted, one after the other, every one of them voting against the contestant in this case.

But more than that, and far more significant, and really more conclusive in an inferential way upon this proposition, is this: Of those 121 men who thus voted between Nos. 140 and 260, not a

solitary one of them had a middle initial in his name. They were all Johns and Bills and Harrys, Smiths and Joneses and Fogartys and Ryans and Robinsons, and so on. Not one of them had a middle initial in his name. Now, I do not think it is a necessary sign of manhood that one should have a middle initial, but there is a law of averages that governs that. And when we look at the first 140 names preceding this gang, we discover that half or more of them have middle initials.

When we look at the last 200, succeeding No. 260, we find that half or more of them have middle initials, and you can not find any block exceeding 10 or 15 or 20 without a middle initial; but more than all that, of those men who thus appeared to vote between 140 and 260, or 121 in all, we find by the other evidence in the case that at least 113 of them were fraudulently registered in that precinct. I should think, reasoning it out, that there must have been one or two or three honest voters in that crowd.

Mr. BOWIE. Will the gentleman allow an interruption?

Mr. TAYLER of Ohio. Certainly.

Mr. BOWIE. Does the gentleman deny that the Republican ward committeemen for that ward testified that every judge and clerk in that ward was appointed upon his recommendation, and that Mr. Whiffling, the Republican clerk appointed upon the recommendation of the Republican ward committeemen, testified that he knew every white man who voted in that precinct, and that every one of them who voted lived there?

Mr. TAYLER of Ohio. Well, that is the Twenty-third Ward and the second precinct. My answer is that both of the Republican judges of election there voted for Butler. [Laughter.] I do not care what Whiffling said or anybody else said, the damning evidence is here that the two so-called Republican judges of election voted the Democratic ticket.

Mr. BOWIE. Did they vote against McKinley?

Mr. TAYLER of Ohio. Probably they did. The return that we have here is on the candidate for Congress only.

Mr. BOWIE. The gentleman does not contend that they voted for anybody on the Democratic ticket except Butler?

Mr. MANN. There is no way of telling that here.

Mr. TAYLER of Ohio. The only contest in the Twelfth Congressional district of Missouri was over the election of a Congressman, and he who secured the corrupt support of a Republican judge for a Democratic candidate for Congress had done all that the politics of that vicinage needed that day.

But then what could the poor challenger do? Here are four judges, all of them opposed to the Republican candidate for Congress. At least that much we know. There is no deputy sheriff with a warrant nearer than a hundred feet. John Smith, living at 4101 Patton street, if that be his number according to the registration list, comes in and offers his vote. Who can stop him if the judges are bound to let him vote? Who can say, "You are not John Smith; you do not live at 4101 Patton street?" He puts his vote in because there is absolutely no way whereby his identity can be disclosed or the fraud in his offering his vote be discovered.

Now, as I say, this Jack Williams gang went through this district, voting at I know not how many places, but at least 20 different places, and voting I know not how many different times to each man who composed that gang. The driver of the wagon testifies that practically the same crowd was in his wagon all the time. He said now and then he would discover two or three new faces, but the body of the gang was there just as he started out with it.

In view of the fact that the committee find that no valid election occurred in this district and therefore refuse also to seat the contestant, it is due to the House that I state our reasons for that refusal.

One of the important incidents in the testimony in the case is what is known as the McBurney canvass. This canvass is not at all important—except as it suggested other evidence which was produced—in leading us to the conclusion that the contestee ought to be unseated. Its moral effect, however, is very great. It is well that it was made; but a candid examination of it compels us to treat the contestant exactly as we treat the contestee.

The several registration lists for the various precincts of the Twelfth Congressional district were separately printed by precincts, the name and address of each person registered being given, the names following the order of street numbers, so that, having the residence of a person, his name could easily be found on the registration list.

As the United States census, which was taken in June, five months prior to the election, was taken by blocks, and the ages of all those who were enumerated appeared in the detailed census returns, it was a very simple, though, of course, laborious, matter to compare the registration lists with the Federal census returns, and this was done. The Director of the Census furnished a list of the names and addresses of all the male inhabitants over the age of 21 years living in certain wards and precincts of the Twelfth Congressional district as shown by the census of 1900.

From this comparison it appeared that out of 27,467 persons registered 14,088 were not enumerated in the Federal census of the preceding June.

It is not to be denied that no census can be exactly accurate, and it must be true that conditions in June do not necessarily determine conditions in October. Nevertheless, whatever may be the conditions of population as to permanence, it is not for a moment admissible that in a city like St. Louis half of the population registered in October did not reside in the district in June; nor can it be true that, if residing there, they were not found by the census enumerators.

The McBurney canvass is the name given to a canvass of many of the precincts and wards of this district in the latter part of December, under the general direction of the attorneys for the contestant and under the immediate supervision of Mr. McBurney, who had occupied the place of chief clerk to the supervisor of the census at St. Louis.

This work was carried on in precisely the same manner as the United States census was taken, except that only male inhabitants above the age of 21 years were enumerated. The avowed purpose of the canvass was to make a trade directory, under the auspices of a well-known Chicago publisher, who permitted his name to be used for that purpose.

The canvassers employed had most of them been census enumerators in the various parts of the city of St. Louis, and had shown capacity for performing such work. They had no intimation that the purpose of the canvass was otherwise than that disclosed by the official papers which they received, and the real purpose of the canvass was studiously kept from them. They did their work in the full belief that a trades directory was to be published on the basis of the information obtained by them.

While some question is raised as to the competency of this canvass as evidence in the case by reason of the fact that the canvassers themselves were not put upon the witness stand, we are yet inclined to receive it for what it is worth in precisely the same way and for exactly the same purpose as that for which we would consider a city directory competent.

It must not be forgotten that this is not a case in which an effort is being made to prove that Richard Roe did or did not commit a crime, or whether John Doe did or did not vote at a certain place at a certain time. Considering the character of the issue made in this case and the nature of the frauds alleged and otherwise proven, it is difficult to understand what kind of testimony could be more persuasive or even more competent than the results of the canvass made under the circumstances in which a city directory of a great city is ordinarily made.

It is proven in this case to our entire satisfaction that the canvassers under McBurney were competent to perform their duty; were suitably instructed; that each made an affidavit to the correctness of his returns; that that affidavit was the basis upon which his compensation was fixed, and that the canvass made by them and by them returned, and tabulated by Mr. McBurney, is, in all respects, as worthy of credibility as any canvass for a city directory could possibly be.

As to its persuasiveness respecting any particular individual, I would, of course, have very grave doubts, but as to the charges made and the facts en masse nothing could be more convincing. Whatever objections there are to the McBurney canvass go to its weight, and its weight is to be determined by its comparison with other testimony.

In the same territory to which I have already referred, in which a comparison was made between the United States census and the registration list, we find that while under the census 14,088 persons on the registration lists were not found, 12,411 were similarly not found by the McBurney canvass.

But the remarkable and suggestive circumstance about these canvasses and the inference to be drawn from them is this: That of the 27,467 names on the registration rolls 9,180 were not found either by the census takers in June or by the McBurney canvassers in December.

Another very remarkable fact which appeared by the census returns and the McBurney canvass was that many thousand persons were found who appeared to be entitled to registration, but whose names could not be found upon the registration lists. Doubtless an effort was made to prevent honest residents from registering as well as to increase dishonesty in the registration roll.

The further importance of this comparison of the registration list with the Federal census and the McBurney canvass will appear when I develop that by an examination of the ballots cast the vast majority of those who seemed to be illegally registered cast their votes for the contestee in this case.

In the precincts in which the vote was disclosed of those who

were not found by the McBurney canvass the tabulated result is as follows:

Vote of names not found by McBurney canvass.

Ward.	Butler.	Horton.	Not voted.	Total.
Fourth	893	542	646	2,081
Fifth	1,421	534	1,108	3,063
Sixth	351	147	314	812
Fourteenth	1,175	264	1,024	2,463
Fifteenth	443	365	371	1,179
Twentieth	59	40	41	140
Twenty-third	627	237	588	1,452
Twenty-fifth	153	53	222	428
Total	5,122	2,182	4,314	11,618

In so far as the force of this particular item of testimony is alone considered, unaffected by the other evidence in the case, it would appear that the iniquity of the Republican managers differed from that of the Democratic managers only in degree.

Practically, indeed, that is the effect which we must give it, for it would be intolerable that we should apply one rule of construction to a set of facts as related to one side and refuse to apply it to another, or that we should draw one inference from the 3,727 votes thus cast for Butler and refuse to draw the same inference from the 1,345 votes thus cast for Horton. And such a proceeding would be especially obnoxious in a proceeding like this.

Yet I deem it my duty to say that not one word of testimony in the case, other than the examination of the ballots and the comparison based thereon, throws the slightest suspicion on the conduct of the contestant or of his political friends. It is also fair to say that plausible reasons can be given to sustain the theory that the casting of those 1,345 votes for Horton is consistent with honest conduct on the part of his friends. There is probably a margin of error of from 10 to 15 per cent in the McBurney canvass. That is to say, there must necessarily be omissions of the names of honest voters. There are not so many of the "not found" voters who appear to have voted the Republican ticket as might not be included in the margin of probable error. Such a theory is absolutely inapplicable to the enormous Democratic vote of the "not found."

It may be that the contestant also had zealous and corrupt friends who, discerning that the opposition was engaged in a huge conspiracy to corrupt the polls, concluded to fight the devil with fire and did a little sporadic registration on their own account.

By asserting this position we may be doing the contestant an injustice; but, facing the facts as they have been fully and properly set before us, we can not respond to them otherwise than to say that they deprive him, alike with the contestee, of the right to a seat in the House of Representatives.

I do not care to detain the House longer. Here was a case in which a thousand witnesses were examined, in which more than 2,000 pages of carefully taken testimony are printed. I could multiply example upon example to such an extent as would horrify even my Democratic friends, presenting to the attention of the House election frauds such as we have never yet witnessed, so bold, so palpable, so impudent, so outrageous as to arrest and arouse the attention of all good people in the city of St. Louis.

I desire to say here and now, as an antidote to what I said earlier in my remarks, that it was the arousing of the public spirit of the good people of the city of St. Louis that resulted in the prosecution of this contest, in the unraveling of this tangled skein disclosing these horrid facts, and presenting them at much cost of time and money to the attention of the American people. I might sketch this picture more fully. I have touched no more than fragments of the facts and the salient points in this case, and I do not intend to weary the House with this discussion.

If my judgment is of any account here, if the House has any confidence in my sense of fairness and in my desire to do right equally with my brethren on the Democratic side and those on this side of the House, I want to repeat right here that of all the cases that have come to my attention since the beginning of my career down to this, the last election case that I will ever have the honor of presenting to this body, this out-Herods Herod, and is the most outrageous of all.

I leave it to you, gentlemen of the House, to you gentlemen on the other side, who I doubt not will vote to a man to sustain the contestee in this case, to say where your duty lies; but I say our duty as Representatives in this great body, charged by the Constitution with being judges of the election of its own members, is to emphasize by the strength and character of this vote that we are wholly out of sympathy with such methods. [Loud applause on the Republican side.]

I move the previous question on the resolutions.

The SPEAKER. The Chair will say to the gentleman from Ohio that the previous question has already been ordered. The question is on agreeing to the substitute offered by the minority.

Mr. BOWIE. I ask for the reading of the substitute resolutions.

The Clerk read as follows:

Resolved, That William M. Horton was not elected a member of the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

Resolved, That James J. Butler was elected a member of the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

The SPEAKER. The question is on agreeing to the substitute resolutions.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BOWIE. Division!

The House divided; and there were—ayes 60; noes 90.

Mr. BOWIE. Tellers, Mr. Speaker.

Mr. TAYLER of Ohio. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 136, answering "present" 18; not voting 96, as follows:

YEAS—100.

Adamson,	Finley,	Little,	Robinson, Ind.
Allen, Ky.	Fitzgerald,	Livingston,	Robinson, Nebr.
Ball, Tex.	Fleming,	Lloyd,	Rucker,
Bankhead,	Flood,	McClellan,	Ryan,
Bell,	Foster, Ill.	McCulloch,	Shackleford,
Benton,	Glenn,	Mahoney,	Shafroth,
Bowie,	Gordon,	Maynard,	Sims,
Brantley,	Griffith,	Meyer, La.	Slayden,
Breazeale,	Griggs,	Mickey,	Small,
Brundidge,	Hay,	Miers, Ind.	Snodgrass,
Burgess,	Hooker,	Moon,	Snook,
Burleson,	Howard,	Mutchler,	Spight,
Burnett,	Jackson, Kans.	Naphen,	Stark,
Candler,	Johnson,	Neville,	Stephens, Tex.
Cassingham,	Kehoe,	Newlands,	Sulzer,
Clark,	Kern,	Norton,	Swanson,
Clayton,	Kitchin, Claude	Padgett,	Tate,
Cochran,	Kitchin, Wm. W.	Patterson, Tenn.	Thomas, N. C.
Conry,	Kleberg,	Pou,	Thompson,
Cowherd,	Kluttz,	Pugsley,	Underwood,
Davey, La.	Lamb,	Randell, Tex.	Vandiver,
De Armond,	Lanham,	Ransdell, La.	Wiley,
Dinsmore,	Lassiter,	Rhea, Va.	Williams, Ill.
Dougherty,	Lester,	Richardson, Tenn.	Williams, Miss.
Feely,	Lewis, Ga.	Rixey,	Zenor.

NAYS—136.

Adams,	Davidson,	Hughes,	Pearre,
Alexander,	Dayton,	Irwin,	Ray, N. Y.
Allen, Me.	Deemer,	Jack,	Reeder,
Aplin,	Dick,	Jones, Wash.	Reeves,
Babcock,	Dovener,	Joy,	Roberts,
Ball, Del.	Draper,	Knapp,	Scott,
Barney,	Driscoll,	Kyle,	Shattuc,
Bartholdt,	Eddy,	Lacey,	Showalter,
Beidler,	Esch,	Lawrence,	Sibley,
Bingham,	Foerderer,	Lessler,	Smith, Iowa
Bishop,	Foss,	Lewis, Pa.	Smith, H. C.
Blackburn,	Foster, Vt.	Littlefield,	Smith, S. W.
Bowersock,	Gardner, Mich.	Long,	Southard,
Brick,	Gardner, N. J.	Lovering,	Southwick,
Bristow,	Gibson,	McCall,	Sperry,
Bromwell,	Gillet, N. Y.	McCleary,	Stewart, N. J.
Brown,	Gillett, Mass.	McLachlan,	Stewart, N. Y.
Burk, Pa.	Graff,	Mann,	Sulloway,
Burke, S. Dak.	Graham,	Martin,	Sutherland,
Burleigh,	Greene, Mass.	Mercer,	Tawney,
Burton,	Grosvenor,	Miller,	Tayler, Ohio
Butler,	Grow,	Mondell,	Thomas, Iowa
Calderhead,	Hamilton,	Moody, N. C.	Tirrell,
Cannon,	Haskins,	Morgan,	Tompkins, Ohio
Capron,	Heatwole,	Morris,	Tongue,
Cassel,	Hedge,	Moss,	Van Voorhis,
Conner,	Hemenway,	Mudd,	Vreeland,
Coombs,	Henry, Conn.	Needham,	Wachter,
Cousins,	Hepburn,	Nevin,	Wadsworth,
Cromer,	Hildebrant,	Olmsted,	Wanger,
Currier,	Hill,	Otjen,	Warner,
Curtis,	Hitt,	Overstreet,	Warnock,
Dalzell,	Holliday,	Palmer,	Watson,
Darragh,	Howell,	Patterson, Pa.	Woods.

ANSWERED "PRESENT"—18.

Bartlett,	Fletcher,	Moody, Oreg.	Richardson, Ala.
Boutell,	Green, Pa.	Pierce,	Trimble,
Burkett,	Jenkins,	Powers, Me.	Wright.
Emerson,	Kahn,	Powers, Mass.	
Evans,	Metcalf,	Prince,	

NOT VOTING—96.

Acheson,	Corliss,	Gaines, Tenn.	Jett,
Bates,	Creamer,	Gaines, W. Va.	Jones, Va.
Bellamy,	Crowley,	Gilbert,	Ketcham,
Belmont,	Crumpacker,	Gill,	Knox,
Blakeney,	Cushman,	Goldfogle,	Landis,
Boreing,	Dahle,	Gooch,	Latimer,
Broussard,	Davis, Fla.	Hall,	Lever,
Brownlow,	De Graffenreid,	Hanbury,	Lindsay,
Bull,	Douglas,	Haugen,	Littauer,
Caldwell,	Edwards,	Henry, Miss.	Loud,
Connell,	Elliott,	Henry, Tex.	Loudenslager,
Cooney,	Fordney,	Hopkins,	McAndrews,
Cooper, Tex.	Fowler,	Hull,	McDermott,
Cooper, Wis.	Fox,	Jackson, Md.	McLain,

McRae,	Robb,	Sheppard,	Talbert,
Maddox,	Robertson, La.	Sherman,	Taylor, Ala.
Mahon,	Rumple,	Skiles,	Thayer,
Marshall,	Ruppert,	Smith, Ill.	Tompkins, N. Y.
Minor,	Russell,	Smith, Ky.	Weeks,
Morrell,	Scarborough,	Smith, Wm. Alden	Wheeler,
Parker,	Schirm,	Sparkman,	White,
Payne,	Selby,	Steele,	Wilson,
Perkins,	Shallenberger,	Stevens, Minn.	Wooten,
Reid,	Shelden,	Storm,	Young.

So the substitute resolution was rejected.

The following pairs were announced:

For the session:

Mr. METCALF with Mr. WHEELER.

Mr. WRIGHT with Mr. HALL.

Mr. BOREING with Mr. TRIMBLE.

Mr. KAHN with Mr. BELMONT.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Until further notice:

Mr. BROWNLOW with Mr. PIERCE.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. FOWLER with Mr. MCDERMOTT.

Mr. STEELE with Mr. COOPER of Texas.

Mr. SHERMAN with Mr. RUPPERT.

Mr. EMERSON with Mr. GILBERT.

Mr. SKILES with Mr. TALBERT.

Mr. HAUGEN with Mr. LEVER.

Mr. JENKINS with Mr. SMITH of Kentucky.

For this day:

Mr. STEVENS of Minnesota with Mr. MADDOX.

Mr. BOUTELL with Mr. SELBY.

Mr. CORLISS with Mr. GOOCH.

Mr. LANDIS with Mr. HENRY of Texas.

Mr. CONNELL with Mr. DAVIS of Florida.

Mr. FORDNEY with Mr. REID.

Mr. ACHESON with Mr. BROUSSARD.

Mr. MAHON with Mr. ROBB.

Mr. PAYNE with Mr. BARTLETT.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. POWERS of Maine with Mr. FOX.

Mr. BABCOCK with Mr. LESTER.

Mr. HITT with Mr. DOUGHERTY.

Mr. RUSSELL with Mr. ROBERTSON of Louisiana.

Mr. KETCHAM with Mr. BELLAMY.

Mr. SCHIRM with Mr. LINDSAY.

Mr. RUMPLE with Mr. LATIMER.

Mr. MINOR with Mr. GOLDFOGLE

Mr. HANBURY with Mr. ELLIOTT

Mr. GILL with Mr. EDWARDS.

Mr. DOUGLAS with Mr. CREAMER.

Mr. CRUMPACKER with Mr. JONES of Virginia.

Mr. MARSHALL with Mr. MCLAIN.

Mr. COOPER of Wisconsin with Mr. SPARKMAN.

Mr. HULL with Mr. SCARBOROUGH.

Mr. SHELDON with Mr. TAYLOR of Alabama.

Mr. STORM with Mr. WHITE.

Mr. TOMPKINS of New York with Mr. WILSON.

On this vote:

Mr. MOODY of Oregon with Mr. MCANDREWS.

Mr. PRINCE with Mr. CALDWELL.

Mr. HOPKINS with Mr. RICHARDSON of Alabama.

Mr. YOUNG with Mr. COONEY.

Mr. POWERS of Massachusetts with Mr. THAYER.

Mr. EVANS with Mr. HENRY of Mississippi until June 28.

Mr. BATES with Mr. MCRAE until June 28–30.

Mr. GAINES of West Virginia with Mr. GAINES of Tennessee until June 29.

Mr. CUSHMAN with Mr. WOOTEN until Monday.

Mr. BURKETT with Mr. SHALLENBERGER until June 28.

Mr. WEEKS with Mr. SHEPPARD until June 30.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question now is on agreeing to the majority resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. TAYLER of Ohio, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 6. Joint resolution in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3360. An act for the promotion of First. Lieut. Joseph M. Simms, Revenue-Cutter Service;

S. 4611. An act to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania;

S. 5506. An act granting an increase of pension to Clayton P. van Houten;

S. 5383. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the 1st Monday in October in each year.

S. 3320. An act granting an increase of pension to Adelaide G. Hatch;

S. 5856. An act granting an increase of pension to Elizabeth A. Turner; and

S. 1225. An act granting an increase of pension to Clara W. McNair.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 27, 1902:

H. R. 4636. An act to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails;

H. R. 10299. An act authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad property and franchises, and for other purposes:

H. R. 13204. An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898, and for other purposes; and

H. R. 15004. An act to authorize the Minneapolis, Superior, St. Paul and Winnepeg Railway Company, of Minneapolis, to build and maintain a railway bridge across the Mississippi River.

On June 28, 1902:

H. R. 3442. An act to correct the record of John O'Brien;

H. R. 9870. An act to correct the military record of Reinhard Schneider; and

H. R. 13676. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3560. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896—to the Committee on Interstate and Foreign Commerce.

S. 5732. An act establishing a regular term of the United States district court in Lewisburg, W. Va.;

S. 5914. An act establishing a regular term of the United States district court in Addison, W. Va; and

S. 268. An act authorizing the Secretary of the Treasury to fix the salaries of deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith—to the Committee on Ways and Means.

MILITIA.

Mr. DICK. Mr. Speaker, I desire to renew my request for unanimous consent to have the bill (H. R. 11654) to promote the efficiency of the militia of the Army, taken up by the House, to be the continuing order until disposed of, not to interfere with conference reports or suspension of rules.

The SPEAKER. The gentleman from Ohio asks unanimous consent to make the bill (H. R. 11654), the militia bill, a continuing order after the disposition of the case just closed, not to interfere with conference reports or suspension of rules. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object to this request, I would like to state that this is a very important bill. If it is to be considered, it ought to be considered carefully and ought not to be considered hurriedly for the want of time. I have undertaken since yesterday to examine it and I desire to ask the gentleman from Ohio what length of time he proposes to devote to its consideration?

Mr. DICK. That has not yet been determined.

Mr. BARTLETT. In order to get unanimous consent, it ought to be understood how it is to be considered, whether amendments are to be permitted to be offered. It will not do to leave that to the determination of the majority of the House after an agree-

ment has been entered into for its consideration. I remember very well that the consideration of the bill to amend the bankruptcy law, which was passed here some days ago, was obtained by unanimous consent, and that it was rushed through with very small time allotted for a bill of that importance to debate and without opportunity given to offer amendments. For myself, I shall not consent to any more of what I consider important legislation and in which I feel an interest being set down for discussion or passage until I can know exactly what is going to be permitted by those who desire to investigate and amend it, if necessary. Therefore I ask the gentleman from Ohio what proposition he makes or intends to make, with a view of having the bill considered, what length of time is going to be given for its consideration, and what opportunity is going to be given for the purpose of amendment. It is a most important measure, as it proposes to reorganize altogether the militia in the different States.

Mr. DICK. Mr. Speaker, I will say in reply to the gentleman that the bill was reported unanimously by the Committee on the Militia as long ago as March 20. The report has been very generally read and discussed by members of the House, and I assume when it comes before the House for consideration the ordinary rules governing debate and the rule with reference to amendments will obtain. There will be no disposition to shut out either debate or fair amendment.

Mr. BARTLETT. Mr. Speaker, that is a very general statement. Of course, we know under the rules of the House we have a right to debate it and amend it, provided the previous question is not called and the gentleman in charge of the bill has not the majority with him in demanding the previous question. I recall a like experience in regard to the bankruptcy bill, and I object.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its Reading Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12597. An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians, of Oklahoma, and for other purposes;

H. R. 11273. An act to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, $430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

H. R. 2487. An act granting an increase of pension to William S. Hosack; and

H. R. 8209. An act for the relief of P. A. McClain.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 3896) to amend section 3362 of the Revised Statutes relating to tobacco.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898," the amendments of the Senate thereto, and the message of the Senate of March 11, 1902, disagreeing to the report of the committee of conference thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I call up the conference report on the bill (H. R. 14019) making appropriations for the District of Columbia for the ensuing year.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Appropriations, calls up the District of Columbia appropriation bill. Does the gentleman desire the report and statement to be both read.

Mr. McCLEARY. I ask unanimous consent that the reading of the report, which has been printed in the RECORD, be omitted.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the reading of the report be omitted and that the statement only be read. If there is no objection this course will be pursued.

Mr. SULZER. Mr. Speaker, just a word. I would like to ask the gentleman from Minnesota if there is anything in this bill regarding the license fees in the District of Columbia?

Mr. McCLEARY. I would say to the gentleman that there is.

Mr. SULZER. Is there a provision in this bill increasing the license fee in the District of Columbia from $400 a year to $800 a year?

Mr. McCLEARY. There is.

Mr. SULZER. Then, Mr. Speaker, I object.

The SPEAKER. Objection is made. The report and the statement will both be read.

Mr. CANNON. If the gentleman will allow me, I think he does not understand the request. The request is to dispense with the reading of the conference report and to let the statement be read. That is the usual request.

Mr. SULZER. I understand exactly what the gentleman asks, and so far as that provision in the bill is concerned, I am opposed to it.

Mr. CANNON. You want it read? Well, you have that power.

The SPEAKER. The Clerk will read.

The Clerk began the reading of the conference report.

Mr. SULZER (interrupting the reading). Mr. Speaker, I withdraw the objection.

The SPEAKER. Objection is withdrawn, and the statement only will be read, if there is no further objection.

There was no objection.

The Clerk began the reading of the statement.

Mr. McCLEARY. Mr. Speaker, in view of the fact that the statement was printed in this morning's RECORD, I suggest that it will save valuable time if we omit the reading of the statement.

The SPEAKER. The gentleman from Minnesota asks unanimous consent also to dispense with the reading of the statement. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

Mr. BABCOCK. Mr. Speaker, I ask for separate votes on amendments numbered 81, 110, and 232.

Mr. McCLEARY. I raise the point of order that this is a conference report, and that such a request is not permissible.

The SPEAKER. The point of order is sustained. The report must be adopted as an entirety or voted down as an entirety.

Mr. McCLEARY. I move that the report be adopted.

Mr. LACEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Iowa?

Mr. McCLEARY. I yield.

Mr. LACEY. I should like to have an explanation from the gentleman in regard to the tax of 6 per cent on the gross earnings of banks. It seems to me as though that was a very heavy tax, and I should like to hear it explained.

Mr. McCLEARY. For the purpose of this explanation I yield to the gentleman from Illinois [Mr. CANNON], who has given the matter special attention, so much time as the gentleman desires.

Mr. CANNON. I should like five or ten minutes.

Mr. McCLEARY. I yield to the gentleman from Illinois ten minutes.

Mr. CANNON. Mr. Speaker, I can perhaps best answer the question of the gentleman from Iowa by making a statement of the conditions that surrounded the service in the District of Columbia when this bill was originally passed, and also a statement of the amendments of the Senate, and the agreement of the conferees.

Gentlemen, understand that for the current fiscal year, for the service in the District of Columbia, one-half the money comes from the Treasury of the United States, and in theory the other half from the District revenues; but in fact very large advances, amounting to many hundreds of thousands of dollars, have had to be made to supply a deficiency in the District revenues. It was found that under legislation of the last session of Congress the District fell short this year, and will fall short the coming fiscal year, by advances already provided for, to the amount of $1,100,000, in paying its share, and that this $1,100,000 this year and the coming year were to be advanced from the Treasury of the United States to the District. There came a great demand for increased service in the District.

The Committee on Appropriations under the organic law was confronted with this condition and with these estimates. It commenced the preparation of its bill in December, expecting to report it before the holidays; but with this condition it deferred consideration. It waited through December, January, February, and March for legislation. Through the public prints and by announcement inspired from another body, and from the committee that had legislative jurisdiction in another body, we were led to infer that the proper committees would give legislation for an increase of taxation. We waited and waited and waited in vain, until finally, when it was patent that the Congress was to close without any effort for legislation, the Committee on Appropriations reported this bill. It contained a provision cutting down 10 per cent all the salaries of employees in the District, and by special rule we put on a provision providing the machinery to enforce the law of 1877, so that we could get tax revenues from personal property.

You will recollect that that passed the House and went to the Senate. The Senate struck out that provision and put in its own personal-tax amendment, claiming that the law of 1877—which had never been enforced, and I will not say how or why—was adequate and drastic, and declined to accede to the action of the House. The Senate struck that out and substituted what they call a personal-tax amendment. The House disagreed. I have been on a good many conferences, but that was the most annoying

one I ever sat upon, because it provided not only the appropriation for the service, but it provided for this new taxation, and the butcher and the baker and the candlestick maker, and the saloon men and the capitalists and the banker and the broker, all of them, objected. The only trouble we had was the necessity of raising more money from the District and to find somebody in the District or out of the District that would pay any of it. Get the money and nobody to pay it, that was our trouble.

In the judgment of your committee, the conferees on the part of the House, the Senate bill did not raise enough money. We needed more, and after a long conference we got something of a concession, the best we could do. We calculate that safely the increase from personal taxation alone will amount to $500,000. The Senate conferees claim from $600,000 to $700,000, but I never like to guess a thing too high. If I am deceived I would rather be agreeably deceived when the pudding is cut open and we eat it. [Laughter.] But we think it will safely provide $500,000 in addition to what has been heretofore gathered under existing law.

In addition to that a new assessment has been made on the real estate in the District. The real estate has been valued at 65 per cent of its actual value under the new assessment, and it seems patent that it will yield at least a million dollars more revenue. The Senate conferees claim that it will yield twelve hundred thousand dollars more, but I think I can safely say a million; so that the two together, $500,000 increase from licenses and the personal tax, and the million dollars increase from real estate gives us a million and a half that we can safely count upon.

Now, one other thing. Much protest was made. The license tax to the saloons in the District of Columbia was $400. That is the law as it is now, and the law up to the time this report is adopted, if it is adopted The Senate provision increased it to $800, and the House agrees after considerable investigation. We had but one thing in view and one thing only, and that was what would yield the most revenue, In many cities in Illinois. little cities that I know of, we do not lose any saloons at $800. I know of a town with less than 20,000 inhabitants where there are 40 saloons and have been for a decade, increasing one or two every year. We came to the conclusion that $800 license for a saloon would yield more revenue than any other sum we could fix it at. Of course there was much protest.

After we disposed of that we substantially took the present law and continued it as to callings, although there are a few occupations not on the statute book, some from a police standpoint and others from a change in population, in the last thirty years that seemed to indicate that they ought to be put on. Then we increased the tax for wholesalers—that is, grocerymen who sell by the quart, gallon, demijohn, etc., up to $50.

In addition to that we have a law now that levies 4 per cent on the gross earnings of traction companies. We continued that. There was much protest as to that. One traction company is making good dividends and another traction company with between two and three hundred miles of road allege that they barely make operating expenses. We found it at 4 per cent and we leave it at 4 per cent.

Then we put 5 per cent on the gas companies, upon the gross earnings. My judgment is we might as well put 6, but all legislation is a compromise, and so we put it at 5. That will yield considerable increase in revenue. Now, when we came to banks and trust companies we found this condition, that they never have paid any taxes in this District, practically none, except where they own real estate. Perhaps if the machinery had not dropped out they would have paid taxes, but in fact they have not paid any. The Senate proposed to continue the tax on real estate, and that is left undisturbed. The Senate then proposed to tax the gross receipts of the banks and trust companies 4 per cent, which would yield not less than $60,000.

There are four trust companies with between four and five million dollars capital, and then the banks with a large capital, many of them with a very large surplus, all of them, I presume, making profits. The stock of some is worth seven or eight hundred per cent. The trust companies are worth between two and three hundred per cent, and I suppose on an average the stock of the trust companies would be in the vicinity of 200. Now, this 4 per cent is on the gross receipts of these institutions, and all the taxes that they would have to pay in the aggregate would yield $60,000. I do not recollect the aggregate of the capitalization.

Now, then, it was proposed in lieu of that to tax the capital stock of these institutions at par plus surplus, plus undivided profits, and then to take two-thirds of the sum and put it upon the capital stock and then assess them 1½ per cent. That would have yielded something over $100,000. Six per cent that the House insisted upon, one or the other proposition, yields $90,000, instead of the $60,000 of the Senate proposition. Under this, gentlemen, there will be something under $100,000 taxes upon the capital and surplus of the banks and trust companies.

Mr. LACEY. Mr. Speaker——

Mr. SULZER. Will the gentleman allow me just a moment?

Mr. CANNON. I yield first to the gentleman from Iowa.

Mr. LACEY. I would ask the gentleman if there is not some danger under this bill proposed as to the whole tax being declared unconstitutional?

Mr. CANNON. Oh, I think not.

Mr. LACEY. In other words, let me explain the point. It is proposed to tax national banks 6 per cent on the gross earnings, and tax savings banks 1½ per cent of their net earnings. Thus making it four times as much as the other. Is there not that danger?

Mr. CANNON. In my judgment, no; because they are different institutions, and Congress has plenary power in matters of taxation in the District.

Mr. HILL. It is done in every State.

Mr. CANNON. It is done in every State now.

Mr. SULZER. I would like to ask the gentleman if there is any provision in this bill giving double taxes, except upon the license of the saloons of the District?

Mr. LITTLEFIELD. Any other taxes?

Mr. CANNON. Well, I will tell the gentleman, where the saloons paid $400 under existing law, this taxes them $800. The banks did not pay a cent under existing law, and this taxes them 6 per cent on the gross earnings. We double the saloons.

Mr. SULZER. You did not double the banks.

Mr. CANNON. We took a unit that did not exist and multiplied by 6 as to the banks. Now, then, I want to say in conclusion that that was the best results we could get. If there is any gentleman in this House who thinks it is an easy job to make, or help make, a revenue bill for the District of Columbia let him try it. I do not envy the legislative committees on the District of Columbia of the House and Senate their job, now or in the future. If it is not good legislation, when we meet again it will be quite in the power of those committees, charged with that duty, to give as something better. But we waited from December until March, and there were no signs of anything coming, and this was the last chance.

Mr. GROSVENOR. I was not here when the gentleman began his statement, and I want to know what the general proposition is in regard to taxation of moneys and credits?

Mr. CANNON. No tax at all. Moneys are not taxed; choses in action are not taxed, and for this reason——

Mr. GROSVENOR. I do not care to hear the reasons.

Mr. CANNON. I will say to my friend why it is. The House conferees were in favor of taxing them, but it was urged with great force that it would only be the man that would bring his strong box, his notes, and his money and have it listed that would pay, and that the great bulk of it would escape taxation, and so forth and so forth; and the House conferees were compelled to admit that there was much of truth in that contention; and, finally, when we came to the last resort, there was nothing placed on choses in action as such.

Now, then, one other matter. It is proper for me to state to the House what, in my judgment, this bill accomplishes in the shape of revenues. The estimated revenues under existing law are $3,700,000. That is safe. The estimated increase on real estate by revision, $1,000,000, was assured by everybody, including the assessor and the Senate Committee and everybody that has appeared before the committee on this subject, and some of them say $200,000 more. But we put it a million. The probable revenue from personal tax and from this increase, $500,000. That would make a total of $5,250,000.

Now the liabilities under the bill that we report would amount, chargeable in the District appropriation act, to $4,212,000 in round numbers, half from the District fund. Amount appropriated in the sundry civil and legislative bills, $164,000; the amount required to reimburse the United States for advances during the year 1902, $980,000. One-half of the appropriation made in the sundry civil bill and for municipal building, $300,000; one-half of the cost of highway bridge, $244,000, making a total of $5,201,000, that has come from the Treasury in the coming year.

Now, then, if you will take that from $5,250,000, the usual revenue, it leaves $218,000.

Now, then, I want to say one thing further. The demands on the District for 1904 will, in my judgment, exceed those that will have to be met in the coming fiscal year. The same or a greater amount will be required to reimburse the United States for advances, and a larger sum will probably be required on account of the municipal building, if that work is to be properly prosecuted, for this bill provides only for buying the lot. The sums carried by the sundry civil bill and the legislative appropriation bill can not be reduced. If the railroad terminal bill is enacted, it will entail an ultimate expense of several million dollars and a large fixed annual charge on the revenues of the District for years to come.

This revenue bill does not reckon with that proposition or with that problem, nor does it reckon with a very large expenditure for the municipal building, nor does it reckon with the reclamation of the eastern flats, and a great many other things. But it is sufficient in the judgment of this committee to carry on the public service with some reasonable addition thereto for the next year, and so on.

I have no pride in this provision. It is the best we could do. It was not a labor of love, but of necessity; and I venture here the hope that the proper legislative committees of the Senate and the House on the District of Columbia will promptly at the next session of Congress shoulder this burden and see whether some better provisions can not be adopted than are embraced in this conference report.

Mr. McCLEARY rose.

Mr. BABCOCK. I would like to occupy a little time.

Mr. McCLEARY. I yield the gentleman five minutes.

Mr. BABCOCK. Mr. Speaker, I am directed by the unanimous vote of the House District Committee to oppose certain provisions of this conference report, or rather Senate amendments, which relate, not particularly to the subject on which the gentleman from Illinois has addressed the House, but to certain specific items of legislation to which I desire at this time to call the attention of the gentleman who has charge of the bill—items which I think when he thoroughly understands them he will not approve.

Under the rules of the House it is impossible to secure a separate vote on any particular amendment; and while I do not want to oppose the adoption of the conference report, I do think that this matter ought to be put in shape so that the House may express itself on certain matters of legislation, which I think, when understood, will not be approved by the House.

Now, the first item is amendment No. 81. I do not believe that the conferees understood this, or they certainly would never have agreed to it. When we passed last year the bill, approved February 12, 1901, public 49, we provided that on the new highway bridge to be constructed in lieu of the Long Bridge, the present street railway company should have the right to change its tracks and cross over the new bridge instead of the Long Bridge, and Congress provided that the company should pay one-half a cent per head for all passengers going over the bridge, and it adopted this provision:

The said bridge shall be for public traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such terms as may be prescribed by Congress.

Now, Mr. Speaker, it is proposed in this report to reenact this old law, now on the statute books, with the change that there is given to this railroad company the right to the use of this bridge, and no other railroad company can cross it without their consent.

Mr. CANNON. The gentleman is entirely mistaken.

Mr. BABCOCK. I would like to hear the gentleman's explanation. I have the law right here.

In other words, Congress by this amendment has given entire control of the use of this bridge by any other railways which may hereafter desire to enter the city to the company which crosses on the bridge at the present time. I appeal to the House, is this good legislation?

Mr. LITTLEFIELD. It gives that company a monopoly?

Mr. BABCOCK. Yes; an entire monopoly. Now, I will read the amendment to show wherein it differs from the existing law as I have read it.

Mr. CANNON. The gentleman totally misconceives; this amendment does not do what he states.

Mr. BABCOCK. It certainly does, if I can understand the English language. The language is—

Provided, That all street railroads chartered——,

Mr. CANNON. From what is the gentleman reading?

Mr. BABCOCK. Amendment No. 81.

Mr. CANNON. Well, let us read the original law which is amended.

Mr. BABCOCK. I have read it.

Mr. CANNON. Very well; let the gentleman go on.

Mr. BABCOCK (reading):

That all street railroads chartered, or that may hereafter be chartered by Congress, shall have the right to cross such bridge upon terms mutually agreed upon with the Washington, Alexandria and Mount Vernon Railway Company.

Now, the present law says that they shall have the right to cross the bridge under rules and regulations provided by Congress. The amendment says that this may be done upon terms to be agreed upon with the Washington, Alexandria and Mount Vernon Railway.

Mr. LITTLEFIELD. That is the existing company?

Mr. BABCOCK. That is the existing company which now uses the Long Bridge to enter the city. That provision excludes every other company and takes away from Congress the right to repeal this act so as to permit any other company to cross the bridge.

Mr. CANNON. The best way is to thrash this out right here and now. Why does not the gentleman read the existing law and then read the amendment passed in view of that law? If he will do so, he will find that the provision embraced in this report retains all the good that has already been enacted in the terminal legislation and adds thereto.

Mr. BABCOCK. Will the gentleman state why it is necessary to reenact the present statute, striking out that clause reserving the control to Congress of prescribing the terms on which other railroad companies may use this bridge and giving the control of that question to the railroad at present occupying the bridge?

Now, Mr. Speaker, I want to refer to amendment 101.

Mr. McCLEARY. Does not your bill give this railroad company the exclusive right?

Mr. BABCOCK. No, sir.

[Here the hammer fell.]

Mr. BABCOCK. I ask the gentleman to yield me a little more time.

Mr. McCLEARY. I yield the gentleman five minutes more.

Mr. BABCOCK. Mr. Speaker, I have read the provision of the existing law. The chairman now has that act in his hand. It provides that other street railway companies may cross this bridge upon terms and regulations to be prescribed by Congress.

Now, I want to call attention to amendment No. 101. Very recently the House has passed on what is known as the telephone bill, for the purpose of putting the overhead wires underground and for the general development of the telephone system, looking to the interest of the company and to that of the public as well. That provision was carefully guarded, providing that these wires should be put underground, under the direction of the Commissioners. And I want to say, as I understand, that the company is about to expend $1,000,000 in that work. We are here presented now with a Senate amendment which provides that these electric-light wires may be strung overhead as the company may see fit outside of the fire limits of the District of Columbia. Now, under a law of Congress the electric-lighting companies in the District of Columbia are obliged to put their wires underground. It is right that a distinction should be drawn between the electric wires and the telephone wires, from the fact that during the past few years eight persons in the District of Columbia have lost their lives by coming into contact with live electric wires. Now, this report proposes to grant, without such legislative restrictions as should be provided, the right to string these electric wires overhead.

The Commissioners tell me to-day that for more than eighteen months—for more than a year and a half—these companies have persistently refused, or at least they have failed, to put a single wire underground in the District of Columbia, and the only excuse they offer for not doing so is that they have not the money with which to do it.

Mr. McCLEARY. Let me ask the gentleman whether the Commissioners did not recommend this provision we have inserted?

Mr. BABCOCK. I do not know what they have recommended to your committee. I know the situation of the legislation in the District Committee, and I want to state that I, as its chairman, was specifically instructed by the unanimous vote of that committee to advise the House of the objections of the committee to this provision.

Mr. CANNON. Now, if my friend will allow me, I hold in my hand——

Mr. BABCOCK. I hope my friend will not use my time.

Mr. CANNON. I think my friend will yield to me. I simply want to get at the facts. I hold in my hand a joint resolution relative to electric-lighting wires west of Rock Creek:

Resolved by the Senate and House of Representatives, etc., That the Commissioners of the District of Columbia are hereby authorized to issue permits to existing electric-lighting companies in the District of Columbia for an extension of existing overhead electric-light wires outside of the fire limits and west of Rock Creek to be used for lighting purposes only.

Now, then, that was in 1898, and the gentleman's committee was the committee that dealt with it. That is west of Rock Creek. Now, then, east of Rock Creek outside of the limits this provision here gives them exactly the same right and no more, because when you get outside of the fire limits east of Rock Creek it is practically impossible to have at least for a decade or many decades conduits built, and the people want that service, and we followed the example of the gentleman and his committee in giving outside of the fire limits east of Rock Creek what they had the right to do outside of the fire limits west of Rock Creek—a Senate amendment—and the House agreed to it.

Mr. BABCOCK. Mr. Speaker, I think the gentleman is mistaken in reference to any error being made by the District Committee.

Mr. CANNON. There is the law.

Mr. BABCOCK. Yes; there is the law. I understand that is the law, but there is a great deal of law on the statute books that is not there by the consent of the District Committee.

Mr. CANNON. It is an act passed standing by itself. It could not have come from any other committee.

Mr. BABCOCK. Now, Mr. Speaker, in reference to that, I will say the District Committee has not had one demand for this legislation or a request from citizens of the District of Columbia showing the necessity of these overhead wires; but, on the other hand, we have had many protests, unless this legislation could be surrounded by safeguards that would in the end lead to their going under ground.

Now, in reference to the present law west of Rock Creek. That was to supply a country practically outside of the city, what is known as Cleveland Park, and through additions to the city there where it was impossible to construct any underground conduit, for the streets had not even been graded at that time. I am sorry that I have not more time. I do not want to take the time of the House, but there are numerous things in these amendments and this bill that ought to be considered on their own merits, and it seems under the rules that this conference report must either be defeated or that we must accept it as a whole; and where such a piece of legislation as the one I have just called attention to granting the right to a railroad company to a bridge, to the exclusion of all other companies, simply a repetition of legislation that is on the statute books to-day, except inserting the words "the street railroad company" instead of Congress—they have the power, not us—is proposed, it would seem to me that it would be wise that this report should be defeated and sent back to the conferees; and if I could secure the time necessary I could call the attention of the House to legislative amendment after legislative amendment that would certainly appear to be far from good, sound, public policy to pass.

Now, in this I do not refer to tax matters. Perhaps those can be criticised or approved from all sides; but I refer especially to legislative matters that have nothing whatever to do with the subject that has given the gentleman so much trouble.

The SPEAKER. The time of the gentleman has expired.

Mr. McCLEARY. Mr. Speaker, in order that there may be no appearance even of a desire to crowd the gentleman unnecessarily, I yield to him five minutes more, if he desires the time, to make such further statement as he desires.

Mr. BABCOCK. Mr. Speaker, I will yield that five minutes to my colleague from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, I can not add anything to that which has been so well said by the chairman of the Committee on the District of Columbia, except to say in a general way that it is the unanimous contention of the Committee on the District of Columbia that an unnecessary and unjustifiable infringement on its function has been made by the Committee on Appropriations, and especially by the subcommittee which is in charge of appropriations for the District of Columbia. This bill is filled with legislation which must be immature, by the very nature of things, and which must have been very immaturely considered.

Mr. TAWNEY. Is the legislation approved or disapproved by the Committee on the District of Columbia?

Mr. BABCOCK. It is unanimously disapproved.

Mr. PEARRE. It is disapproved, and a large part of it specifically disapproved, after having been presented one section after the other to the Committee on the District of Columbia.

Mr. SULZER. Mr. Speaker, may I ask the gentleman a question?

Mr. PEARRE. Yes.

Mr. SULZER. I just wanted to know how it comes that the functions of the District of Columbia Committee have been usurped by the Committee on Appropriations?

Mr. PEARRE. That is a question to which we desire an answer ourselves, and it is impossible for me to answer the question of the gentleman from New York. I simply desire to say this, that there has been a general understanding between the two committees that the Committee on the District of Columbia shall not appropriate, and the Committee on the District of Columbia does not appropriate, and time and time again has it occurred in the history of this House within my short connection with it that bills which have been brought in here by the District of Columbia Committee bearing appropriations have been defeated on that very account, and the matter then referred to the Committee on Appropriations by the request distinctly of the gentlemen connected with the Committee on Appropriations.

A like agreement has been made by the Committee on Appropriations, so I am informed and have always understood, that that committee will not attempt to legislate, but that the legislative function shall be exercised by the Committee on the District of Columbia. This seems to be an eminently fair and proper division of the respective functions of the two committees.

Now, with these general remarks bearing upon that general subject, I desire, in the very short time which has been yielded to me, to call the attention of the House to paragraph 39 of amendment 233, which strikes me, I respectfully submit, as one of the most remarkable propositions that has ever been attempted to be embodied in legislation. This section provides for the licensing of billposters, and it says:

PAR. 39. That billposters and persons engaged in the business of painting or placing signs or advertisements on land, buildings, billboards, fences, or other structures in the District or Columbia visible from a street or other public space shall pay an annual tax of $20 before engaging in said business.

I believe that thus far it is the legislation of to-day, the law as it now exists. But further it says:

No person shall place, exhibit, maintain, or continue any advertisement or poster except upon such land, houses, buildings, billboards, fences, or other structures as the Commissioners of the District of Columbia may, in their discretion, authorize in writing for that purpose.

That strikes me as a remarkable power to place in the hands of the Commissioners of the District of Columbia. This does not involve any question of immoral or obscene publications or posters, because that subject is well and fully and entirely and comprehensively regulated by the statute which already exists. That the Commissioners of the District of Columbia should be able to prevent me or any gentleman in this House who may own property in the District, or any citizen of the District of Columbia from using his property as he sees fit by renting it for the purpose of having billboards erected upon it, upon which perfectly moral and proper and decent advertisements may be placed, strikes me as placing in the hands of the District Commissioners a power which is absolutely unnecessary for any public purpose, which is an infringement upon the sacred rights of property to which every citizen is entitled under the Constitution and laws of the United States.

But it is not satisfied with that, sir. It goes further, and says that they must not only have the consent of the Commissioners of the District, but that—

The said written authority shall only be granted in resident streets upon application made in writing and signed by a majority of the residents on the side of the square in which said display is to be made and also the side of the confronting square.

Contemplate the proposition. John Jones owns a lot on a residence street. A part of it is built up and a part of it is not built up, on that particular square. He not only has to secure the consent of the Commissioners before he can use that vacant lot——

The SPEAKER. The time of the gentleman has expired.

Mr. PEARRE. I ask for five minutes more.

Mr. McCLEARY. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twenty-one minutes remaining.

Mr. McCLEARY. I yield to the gentleman three minutes.

Mr. PEARRE. The proposition, therefore, is this: That a man who has a vacant lot on a residence street, on a residence square, which is partially built up on one side and perhaps not built up at all on the side confronting the vacant lot where he has his piece of land, not only can not rent that property to a billposter for the erection of billboards upon which posters are to be pasted without the consent of the Commissioners, but he must have the consent in writing of a majority of the residents of that block, and not only on the side on which his vacant lot is situated, but on the side confronting him.

I do not believe, Mr. Speaker, that that provision can be sustained in the courts, for the simple reason that it is a deprivation of property which may, in the judgment either of the Commissioners or of the residents on the block, permit them practically to confiscate the property of the citizen.

As I said before, this does not involve any question of obscenity or immorality. Of course if it did, then it would be a proper police regulation, and not only should it be prohibited by the Commissioners themselves, but there should be a statute imposing a penalty for it, which there is; so that without such provision, this piece of legislation which the Committee on Appropriations go out of their way to put into this bill, the public would be protected from any infringement or imposition upon the morals of the people in any way.

Now, sir, if the residents on those blocks, the majority of them, choose to object to John Smith renting his property, which he desires for the time being to keep vacant, waiting, perhaps, for an increase in the value of it, or perhaps not yet ready to build, this will not permit him to have a billboard erected to advertise things that are perfectly proper and decent unless he gets the consent both of the Commissioners and of the majority of the neighbors. I grant you that the public ought to be protected against obscenity and protected against anything like an improper or indecent advertisement or poster, but this does not involve that question; and it is an improper infringement upon the inalienable rights of citizens, I respectfully submit.

Now, Mr. Speaker, it seems necessary in order to meet this, which is a very important matter, we have got to vote down the whole conference report, and I now desire to make a parliamentary inquiry.

Mr. TAWNEY. Will the gentleman permit one question? Under this provision, do I understand you to say that a property owner can not lease his property for a legitimate purpose unless he gets the consent of the property owners of the property next him?

Mr. PEARRE. Exactly so.

Mr. NEVIN. It is not the owners, but the residents.

Mr. PEARRE. They may not rent the property. Now a parliamentary inquiry.

The SPEAKER. The time of the gentleman has expired.

Mr. PEARRE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PEARRE. Will it be in order before a vote is taken upon this motion to move to refer this bill again to the conferees with instructions?

The SPEAKER. That would be in this case impossible, since the Senate has agreed to the report and their conferees are thereby discharged. The remedy is to vote the conference report up or down. If the report is voted down, consideration of the amendments will be in order.

Mr. PEARRE. Is it contrary to the rule?

The SPEAKER. The Chair thinks under the practice that it is. The question is on agreeing to the conference report.

Mr. SULZER. Mr. Speaker, I ask——

Mr. McCLEARY. Mr. Speaker, I promised to yield the gentleman from New York five minutes.

Mr. SULZER. Mr. Speaker, this is a matter of much moment, and I agree substantially with the remarks and criticisms of the gentleman from Wisconsin [Mr. BABCOCK] and the gentleman from Maryland [Mr. PEARRE] in regard to this conference report. It should be voted down, so that the House can vote on each amendment. I protest against its adoption in toto now, and I send to the Clerk's desk and ask to have read in my time a letter from Col. Louis Schade, the veteran editor of the Washington Sentinel.

The Clerk read as follows:

WASHINGTON, D. C., *June 23, 1902.*

Hon. WILLIAM SULZER,
House of Representatives.

DEAR SIR: Recognizing the fact that you have always been a stanch advocate of personal liberty and of liberal government, I appeal to you in behalf of the licensed liquor dealers of the District of Columbia to oppose the adoption of that section in the District appropriation bill which increases the excise license from $400 to $800 a year.

The adoption of this section would destroy and bankrupt a large number of worthy people whose licensed places are patronized entirely by the laboring people, who for the most part drink only beer and ale, and the result would be that instead of increasing the revenues of the District, as claimed, it would decrease the revenues and virtually place the industry in the hands of a few, giving them a monopoly.

It is a well-known fact that business is dead here six months in the year, that the city of Washington is not a manufacturing city, and that a $400 license fee here is harder for the retail dealer to pay than $1,200 in Philadelphia or any of the larger cities, where the business is better and the hours under the law to keep open longer.

The majority of the saloons in the District at the present time are mortgaged, and if this high-license bill is passed to-day it means that more than half of the saloons in two years will be compelled to go into the hands of receivers.

The conditions of the liquor traffic in this city are different from those in other places. The dealers here pride themselves in being able to say that "nowhere in the United States are taverns conducted in such a quiet and respectable manner." You stand for equal rights. Now is the time to again prove your steadfast Democracy.

I sincerely trust you will impress on your colleagues the injustice and the hardship which will surely follow if this clause is enacted into law.

Very respectfully,

LOUIS F. SCHADE,
Editor of the Washington Sentinel.

Mr. SULZER. Mr. Speaker, that letter speaks for itself. It is from a distinguished man who has been a true friend of liberty all his life. It needs no comment. In my opinion, the increased license fee for saloons in the District of Columbia from $400 a year to $800 a year is uncalled for, excessive, and exorbitant. It will surely defeat the object you desire, and will decrease instead of increase revenue. The license fee in the city of New York is only $800, and the restrictions there are much more liberal than here. I am not a crank on this matter. I simply want to be just, and honest, and fair. I am now, always have been, and always expect to be in favor of a fair and reasonable excise law. I am opposed to oppression in all matters and at all times.

Here in the District of Columbia, as this editor of the Washington Sentinel most truly says, for six months of the year business is practically at a standstill. During that period very little business is done, and if this amendment is adopted it will have the effect of closing up the poor man's club, while it will leave open the rich man's saloon. It will give a monopoly to the rich saloonkeeper and destroy the business of the poor man.

I am opposed to this discrimination; I am against this legislation for monopoly; it is unjust. I want to see this conference report voted down, so that the members of this House can get an opportunity to have a separate vote on this question. I am no fanatic and no hypocrite. I am willing to stand up and be counted for fair play. I am willing to go on record for justice and equal rights to all.

Gentlemen, the thing to do at this time is to vote down this conference report; vote it down and give every member of this House an opportunity to vote on each of these disputed amendments according to his light and the dictates of his conscience. That will be right and honest and fair. [Applause.]

Now, Mr. Speaker, the gentleman from Illinois [Mr. CANNON] began his oration by appealing for sympathy; appealing for sympathy and telling us about the hard work he has been doing, all his troubles and woes, to get an agreement on this bill. Sympathy, indeed!

Mr. CANNON. I do not seem to have gotten it.

Mr. SULZER. He takes upon himself all the burdens of the Government and assumes to know everything about everything in this country from the habits of salmon in Alaska [laughter] to the woes and the wants of every individual in the District of Columbia. From ocean to ocean and from Baffin Bay to the Isthmus of Darien he knows it all. Sympathy, indeed! A legislator with all these cares and woes and responsibilities sorely needs our sympathy, and we should commiserate with him. Wonderful man, this distinguished statesman from Illinois! He can tell you more in a minute about the past, the present, and the future than an Egyptian astrologer in the palmy days of Pharaoh. [Laughter and applause.]

When I think of it all and look upon him I am reminded of what Goldsmith said of his celebrated parson in the Deserted Village, and, to slightly paraphrase that stanza, I will say:

> In arguing, too, dear Uncle Joe ne'er forgot his skill,
> For e'en though vanquished he could argue still;
> While words of learned length and thundering sound
> Amazed the gaping statesmen ranged around;
> And still they gazed, and still the wonder grew
> That one small head could carry all he knew.

[Laughter and applause.]

But, gentlemen, we all love him and we all sympathize with him. He has too much to do, too many cares of state, and he is getting along in the sere and yellow leaf. So, under all the circumstances, I sympathize with him, and, for one, I am not disposed to burden this great statesman from Illinois with this immense responsibility unnecessarily. [Laughter.] He has taken from the District of Columbia Committee their bill.

Why did he do it? He did it against the protest of every member of that committee; and if he has been able to take away their work and their bill this year, perhaps next year he will march into the Military Affairs Committee room and take away the military appropriation bill, and the year after, God sparing him, the naval appropriation bill, and so on ad infinitum, until finally this great statesman will be doing all the work of the House of Representatives, and on every bill on every day pleading for sympathy.

Now, my friends, let us vote down this report, and relieve the gentleman from Illinois from further burdens and further responsibility, in the interest of his health. [Laughter and applause.]

Mr. McCLEARY. Mr. Speaker, of the various objections that have been raised to the passage of this bill, I think the House regards but one of them as possibly serious.

The House is not very much concerned about these billposters. They are practicing an honorable calling; but they are not always careful of the feelings of the public in the location of their billboards. In any community a nuisance is held to be within the control of the people immediately in interest.

Mr. WACHTER. Is that a nuisance?

Mr. McCLEARY. It is a nuisance in certain places in this city, places of beauty being made unsightly, and every one in this room indorses what I say.

Now, as to the Committee on Appropriations taking jurisdiction of legislative matters, I want to read a little chronology. The committee was appointed on December 10, and on December 11——

Mr. BABCOCK. Will the gentleman allow me an interruption right there? There has been no criticism in the line of appropriation because that was done under the order of the House. It is merely a matter of legislation. The gentleman will concede that the Senate was not warranted in putting this on the bill.

Mr. McCLEARY. I am glad that the gentleman exonerates the committee from doing anything wrong in assuming those legislative functions. It assumed the duty of legislation under the order of the House, and it has tried to perform that duty.

The only objection of importance raised by these various gentlemen is the one raised by the gentleman from Wisconsin [Mr. BABCOCK] as to the use of the proposed trans-Potomac bridge by the electric railway company.

Now, my friend is usually so fair that I am surprised that in the reading of the law a short time ago he stopped just where he

did. Let me read the law to which my friend refers—the existing law—relating to the bridge in question. It reads thus:

Said bridge shall be for highway traffic and all street railroads chartered, or that may be hereafter chartered by Congress, shall have the right to cross said bridge on such terms as may be prescribed by Congress.

Now, my friend read to that point and then stopped. Why did he not read on? Let me read the rest of it:

Provided, That the Washington, Alexandria and Mount Vernon Railroad Company now using Long Bridge shall be permitted with the approval of the Commissioners of the District of Columbia to change its location so as to cross the highway bridge herein provided for.

Now, that act gave to the Washington, Alexandria and Mount Vernon Railway, by name, the right to the occupation of that bridge.

Mr. BABCOCK. The act specifically provides——

Mr. MCCLEARY. I understand, but the existing law gives that company, by name, the right to use that bridge. The gentleman noted the fact that in the pending bill we have designated this company by name. We did so perforce, because the company is named in the existing law.

Now, let me read the provision of the pending bill:

Provided, That all street railways chartered, or that may be hereafter chartered by Congress, shall have the right to cross said bridge upon terms mutually agreed upon with the Washington, Alexandria and Mount Vernon Railway Company—

So far my friend read, and then stopped. Let me read on:

or, in case of a disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearings to the interested parties, and fix the terms of joint traffic.

In other words, the law as it stands gives to that company, by name, the use of the bridge, and the law as we amend it gives all other companies the same right of occupancy on terms to be mutually agreed on. If they can not agree on the terms, the terms are to be determined by the supreme court of the District of Columbia. That is all there is of it.

Mr. BABCOCK. Will the gentleman state to the House what is the object of reenacting and inserting in place of that the name of a railroad company that now has the right of way? What is the object of it? Will he tell us the object of the amendment?

Mr. MCCLEARY. Why, Mr. Speaker, the amendment does not undertake to change existing law as to the right of other companies to use this bridge. It is not the right of other companies to use the bridge that is considered; it is the terms upon which they shall enjoy such joint use. It continues the right to joint use and provides that if there is any dispute about what the proper and reasonable terms are, then the dispute is to be settled in the court.

I now yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I want to say that this bill is not perfect. We never claimed that it was. It is a great deal better than the status, because it gives us money where we now have poverty, and I trust it will be a spur to the District Committee to perform its function hereafter in enacting legislation.

Mr. BABCOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BABCOCK. If this conference report is turned down, will the House have an opportunity to vote upon the separate amendments of the Senate?

The SPEAKER. Undoubtedly. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BABCOCK) there were—ayes 94, and noes 50.

So the conference report was agreed to.

On motion of Mr. MCCLEARY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4546. An act to provide certain souvenir medals for the benefit of the Washington Monument Association, of Alexandria, Va.;

S. 6139. An act to provide for the organization of private corporations in the district of Alaska; and

S. 6298. An act to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4792) relative to the control of dogs in the District of Columbia.

The message also announced that the Senate had passed with amendment a bill of the following title; in which the concurrence of the House is requested:

H. R. 97. An act to authorize the Secretary of War to furnish duplicate certificates of discharge.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. The Chair lays before the House the request of the Senate for the return of House bill 8586, amending the act of March 2, 1901, to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded December 10, 1898. Is there objection to this request?

Mr. BARTLETT. Has the House acted on that bill? There was one bill which passed the House on the subject referred to.

The SPEAKER. The Chair understands this is not the bill to which the gentleman refers. No objection is heard, and the bill will be returned as requested.

NAVAL APPROPRIATION BILL.

Mr. FOSS. I call up the conference report on the naval appropriation bill, and ask unanimous consent that the reading of the report be dispensed with and that the statement of the House conferees be read.

The SPEAKER. Is there any objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Illinois whether there is a provision in the bill, or in the conference report, in regard to building or contracting for building additional submarine torpedo boats.

Mr. FOSS. That was stricken out in the report.

Mr. SULZER. And has that been agreed to unanimously by the conferees on the part of the Senate and the House.

Mr. FOSS. It has been agreed to unanimously.

Mr. SULZER. It should not have been. I shall oppose this conference report.

The SPEAKER. Is there objection to dispensing with the reading of the report and reading simply the statement of the House conferees? The Chair hears no objection.

The statement of the House conferees, as published in the House proceedings of June 27, was read.

Mr. FOSS. Mr. Speaker, I desire to say, for the information of the House, that this report leaves in disagreement the question as to the construction of ships by private contract or in Government navy-yards or in both ways. I ask the Clerk to read a statement which I have here, summarizing the bill.

The Clerk read as follows:

Amount of bill as passed by House	$77,619,933.13
Amount of bill as passed by Senate	79,351,238.13
Total of bill as it now stands	78,681,333.13
Total bill for 1902	78,101,791.00
Net amount taken out of bill as it passed the Senate by the conference committee	669,875.00
Net amount agreed to of the bill as it passed the Senate by the conference committee	1,235,230.00

Mr. FOSS. I move the adoption of the conference report.

Mr. FITZGERALD. I ask the gentleman to yield me some time. I wish to oppose the adoption of the report.

Mr. FOSS. How much time does the gentleman wish?

Mr. FITZGERALD. About fifteen minutes.

Mr. FOSS. I yield the gentleman five minutes.

Mr. FITZGERALD. I wish the gentleman would yield me more time. He has an hour, and there are several items——

Mr. FOSS. I have consumed only a few moments myself. I yield the gentleman five minutes.

Mr. FITZGERALD. Mr. Speaker, there are several items in this report which justify its rejection. In my opinion the House conferees should never have agreed to them, especially since there is not a complete agreement upon the bill. I will present the facts to the House briefly and ask it to reject the report. The agreement contains an item of $200,000 for the removal of Hendersons Point, at Portsmouth Navy-Yard, Portsmouth, N. H.

This is shown by the statement of the conferees. Their statement does not show, however—and I desire the attention particularly of the chairman of the Committee on Appropriations [Mr. CANNON] to the matter—that the Secretary of the Navy is further authorized to make contracts for $549,000 additional; in all, $749,000.

Mr. Speaker, this item should never have been agreed to by the House conferees. This is the second appropriation bill in which this item has appeared this session. An amendment in the exact language of that agreed to in this report was placed by the Senate on the river and harbor bill, but the House conferees on the bill compelled the Senate to recede from the amendment. It bobs up here, however, just as serenely as ever, and this time the Representatives have yielded to the Senate. This item should never be accepted by the House.

This navy-yard at Portsmouth is one of those aptly styled by Admiral Bowles as an "out-of-the-way place." In addition, the House conferees have agreed to a series of amendments which appropriate over $600,000 for buildings and a plant at a navy-yard at Charleston, S. C., and authorizes the Secretary of the Navy to enter into contracts aggregating in all $913,000 for buildings, etc. There is some excuse for this item. There is absolutely none for that providing for the removal of Hendersons Point.

As a matter of fact, the yard was in disuse for many years. It should never have been utilized for the purpose of making it a repair station for modern vessels. That yard should not be open now; it should never have been reopened. It is open simply because an influential coterie of legislators, combining with other officials, practically held up this House and compelled it to appropriate great sums to build up and equip that navy-yard, although there was no necessity for a navy-yard at that place.

The report of the Secretary of the Navy for the current year shows that about $56,000 worth of work was done there by the Bureau of Equipment during the fiscal year ending June 30, 1901. A number of barges and steam launches, one or two torpedo boats, and one or two scout boats that were used during the Spanish war have been sent there in order to be repaired. No vessel of any size has ever to my knowledge been repaired at the Portsmouth Yard. It is not equipped to do the work required in a first-class yard. During the past year some four or five hundred thousand dollars have been expended at Portsmouth in order, if possible, to erect a plant there. I have been reliably informed that when vessels have been sent to some of the navy-yards "down East" it has been necessary to send to the navy-yard at New York in order to have parts of machinery needed made and then ship them to the place where the vessel had been sent and install them in the vessel.

This policy of building up a number of insignificant yards, while the great navy-yards at New York, Boston, and Norfolk, Va., are running on from one-half to one-third time is certainly not in the interest of economy. At the New York Navy-Yard there is a machine shop that cost $750,000, in which the machines practically stand idle to-day. They have never been utilized to the utmost capacity. Other departments are in the same situation. Lack of work prevents the economical utilization of the plants already equipped for work, and yet it is proposed to spend a million and a half dollars to prepare Portsmouth and Charleston for larger and larger and unnecessary appropriations.

The navy-yard at Charleston, S. C., gets, according to this report, some $600,000 with which to begin the installation of a plant and buildings, and the Secretary of the Navy is authorized to contract for buildings and other equipment up to $913,000.

Mr. FINLEY. Mr. Speaker, will the gentleman permit a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FINLEY. Would not the gentleman be entirely satisfied with the policy of the Government in reference to navy-yards if there was only one and that one was located in New York?

Mr. FITZGERALD. No; I would be better satisfied if there was no navy-yard at New York. I believe the city would be greatly benefited if it had the use of the land and water front now occupied by the navy-yard. It will not be moved, however. I wish to call the attention of the House to this fact in connection with this report. The conferees have agreed to every item in dispute excepting that providing for the increase of the Navy and the place where the vessels authorized are to be built. It is a well-known fact that two of the conferees of the Senate personally favor the plan adopted by the House to build these vessels in navy-yards. The action of the House when it incorporated that provision in this bill was very significant.

In order to accomplish its purpose it overruled the chairman on a question of order. The temper of the House was shown at that time. It is not possible to be misled about its position. I do not care to criticise the conferees on the part of the House in reference to their action on the building of ships in the navy-yards. I believe in bringing here a disagreement they have shown a desire to carry out the will of the House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FITZGERALD. I ask the gentleman to yield five minutes more.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes longer.

The SPEAKER pro tempore. The Chair will say to the gentleman from Alabama that the time is controlled by the gentleman from Illinois.

Mr. FOSS. Mr. Speaker, I will yield five minutes more to the gentleman.

Mr. FITZGERALD. Yet I do believe, Mr. Speaker, that if the conferees appointed on the part of the House were heartily in favor of the plan adopted by the House for the building of ships in the navy-yards, they would never have surrendered upon these two items of such importance to two of the Senate conferees unless in return the Senate conferees yielded to the House on its proposition to build at navy-yards. It is very easy in the closing hours of the Congress to secure the adoption of reports like this. Yet at no time in the session should items in conference reports be scanned with closer scrutiny.

Here is an item already rejected by the Committee on Rivers and Harbors agreed to in this report, $749,000 for the Portsmouth Navy-Yard. Listen to a list of the vessels that were repaired at the Portsmouth Navy-Yard during the past year, and by the way I wish to call attention to the fact that it is within 40 miles of the Boston Navy-Yard, which has also been renovated and revitalized within the past few years. Here are some of the vessels repaired at Portsmouth. No doubt everyone will recognize them as famous vessels of the Navy: The *Alvarado*, *Sandoval*, *Piscataqua*, *Dahlgren*, *T. A. M. Craven*, *Reina Mercedes*, *Raleigh*, *Detroit*, *Sioux*.

Why, Mr. Speaker, with the exception of the *Raleigh* and *Detroit*, neither a large vessel, these are insignificant craft that could be built or repaired at any excuse for a shipyard in the United States. And now, what is undertaken to be done in this conference report? To set aside some $749,000 in order to remove a rock in order to deepen a channel. Why do they need any water? The report of the Secretary of the Navy shows that they have inadequate docking room there at present for the insignificant vessels that go there now. It is the same old story. First dig a channel; then put in docks and wharves, then shops, and all the while keep up the appropriations.

I say, Mr. Speaker, this appropriation should not be agreed to by the House. I call attention to the fact again that the great navy-yards of the country are practically lying idle, and have been for many years, because it is impossible to supply sufficient work for them. This policy of expending great sums to improve every little out-of-the-way place that some gentleman, by reason of his position on a committee or the length of service in either House, desires to have developed for the interests of the locality, should be stopped and stopped now.

What is there at Portsmouth, N. H., to make it desirable for a navy-yard? Nobody knows. This provision contains an item to authorize the Secretary of War to investigate the sources of the fresh-water supply and to ascertain the practicability of building dams and an aqueduct to bring it to the yard. They are unable even to supply drinking water there for the limited number of employees, and it is a prohibition State, too, if I be not mistaken.

I have endeavored to ascertain the exact amount expended there for repairs to vessels in a year by all bureaus. It is impossible to do so from the report of the Secretary of the Navy, but it seems as if for every $250,000 worth of work done on vessels a million and a half is expended for improvements at the yard. If it be the intention to build up a number of great naval stations, irrespective of the location and natural advantages of the place, this item is appropriate; but doubting that policy, I trust the House will defeat this proposition and vote down this report, and I appeal to the chairman of the Committee on Appropriations [Mr. CANNON] to come to the aid of those who desire to defeat such improper, unwise, and extravagant appropriations.

Mr. FOSS. Mr. Speaker, I desire to say that I commend the zeal of the gentleman from New York [Mr. FITZGERALD] in the interest of the New York Navy-Yard. He seems to be against every navy-yard in the country except the New York Navy-Yard.

Mr. RIXEY. I will say to the gentleman from Illinois that I should like to have a few minutes on this motion of the gentleman from New York.

Mr. FITZGERALD. I should like to ask the gentleman from Illinois to point out any meritorious proposition for any navy-yard that I ever objected to. I should like also to hear the gentleman defend these items.

Mr. FOSS. Mr. Speaker, so far as this appropriation is concerned, it comes here with the urgent recommendation of the Secretary of the Navy. The situation at Portsmouth is this: We are building a large dry dock there, costing over a million dollars, for the docking of the largest ships in the Navy. At the present time it is impossible to get the large battle ships into the channel before the entrance to the dock. And if we are going to have the full use and benefit of this large construction which we are building there, we must make this appropriation. The Senate conferees insist very strongly upon it; and in view of the necessity of it and the strong recommendation of the Secretary of the Navy, which I will ask the Clerk to read, the House conferees, after numerous sessions devoted to discussing this matter, finally agreed to it.

Now I will ask the Clerk to read the letter from the Secretary of the Navy.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, January 11, 1902.

SIR: Pursuant to the provision contained in the naval appropriation act, approved March 3, 1901, under the subheading "Public works," navy-yard, Portsmouth, N. H., directing the Secretary of the Navy to prepare specifications and obtain proposals from responsible contractors for removing Hendersons Point, so as to improve the approach to that navy-yard, to a depth

of not exceeding 35 feet below mean low water for a distance of not exceeding 350 feet, and to submit such proposals to Congress, I have the honor to forward herewith, for the information and action of Congress, a copy of a letter from the Chief of the Bureau of Yards and Docks, dated the 8th instant, transmitting a copy of a scale of bids received for the removal of Hendersons Point and the duplicate copy of each of the bids received, also a copy of the specifications and advertisement and of the plans as issued to bidders.

The Department approves of the recommendation of the Chief of the Bureau of Yards and Docks, contained in the above-mentioned letter, that authority be granted for the work entire, and it is requested that the necessary appropriation therefor be made, to include the sum of $5,000 for surveys, inspection, and incidental expenses.

I have the honor to be, sir, very respectfully,

JNO. D. LONG, *Secretary.*

The SPEAKER OF HOUSE OF REPRESENTATIVES.

Mr. TATE. Before the gentleman takes his seat, will he allow me to ask him a question for information? Is this the same provision that was in the river and harbor bill in reference to Hendersons Point which the House and Senate in conference struck out?

Mr. FOSS. I understand it is practically the same.

Mr. RIXEY. I should like to have a little time.

Mr. FOSS. How many minutes?

Mr. RIXEY. I think five minutes are all I wish.

Mr. FOSS. I yield five minutes to my colleague.

Mr. RIXEY. It seems to me that the motion of the gentleman from New York [Mr. FITZGERALD] ought to prevail in this matter. I do not altogether like these partial conference reports. A few days ago we had a conference report by the same conferees on the naval bill. It was to some extent objectionable. Among other things, that conference report provided for an increase in the Marine Corps. That provision had not been considered by the House Committee on Naval Affairs. The present conference report provides for an increase in the construction corps. It is true it is a small increase. It also provides for a small increase in the engineering corps—neither one of which propositions had been considered by the House Committee on Naval Affairs.

When these questions were before the committee, it was agreed that all the propositions to increase the different corps of the Navy should go over and be considered by the House Naval Committee, and if the decision was favorable, one bill should be brought in to increase these different corps.

It seems to me that by these partial reports propositions are ratified here which we would not consent to if they were brought in at one time. Now, this conference report provides for an expenditure of nearly $800,000 to remove what is known as Hendersons Point, near Portsmouth, N. H.; not in the navy-yard at Portsmouth, N. H., but described as near that navy-yard. It is a proper matter for consideration, if at all, by the Committee on Rivers and Harbors, and not by the Naval Committee.

Mr. BARTLETT. The River and Harbor Committee refused to report it.

Mr. RIXEY. I understand that the River and Harbor Committee refused to report it; and the proposition now is to provide upon the naval bill for this river and harbor item at an expenditure of $800,000. It has no place upon the naval appropriation bill. It is not a part of the naval establishment. It is outside of the naval establishment, and it ought not to be in the bill.

If there were no other objection to this conference report than this, it ought to be recommitted to the conferees.

Another reason why it should be recommitted is that the conferees have seen proper to leave out of their conference report as the only item of disagreement the item as to where these new ships shall be built. When the conference report is brought in, it ought to include that item with the other great items. Let the Charleston item remain as it is until there is an agreement upon the question where the ships shall be built. Let the appropriation for Hendersons Point go back to the conferees. I believe it ought to be rejected. It has no place in the naval appropriation bill, and when the conference report comes in again let it provide where the different ships shall be built. I insist that the House provision to build one battle ship, one armored cruiser, and one gunboat in the navy-yards should be insisted upon.

It seems to me, Mr. Speaker, that no time will be lost by going back. There are other objections to the conference report. One is that the bill as it passed the House provided that the colliers should be rebuilt or repaired under the jurisdiction of the Bureau of Construction. The Senate put in a provision that they should be repaired under the Bureau of Equipment. Now, the conferees come in with an entirely new provision, that they shall be repaired under the jurisdiction of the Bureau of Navigation.

Mr. DAYTON. Will the gentleman allow me to interrupt him?

Mr. RIXEY. Certainly.

Mr. DAYTON. The gentleman is entirely mistaken about that. The maintenance of colliers was put on the Bureau of Navigation. The Senate has receded upon that proposition.

Mr. RIXEY. Possibly the gentleman may be right. I have not examined it very carefully. But, Mr. Chairman, this conference report is objectionable, seriously objectionable, in one item, if in no other, in committing the Government to an expenditure of $800,000 for an improvement which has no place on this bill. Let this report be recommitted and the House provision for building in the navy-yards insisted upon. The private contractors now have contracts for 8 battle ships, 6 armored cruisers, 9 protected cruisers, 4 monitors, and 31 other Government ships. The House provision gives them 3 more. Surely it is a small concession to build 3 ships in the navy-yards which have cost the Government so much to establish and maintain. We have the best talent and can build the best ships. Let us insist upon the House provision.

Mr. FOSS. Mr. Speaker, so far as the argument of the gentleman from Virginia is concerned, I think I can answer that in a few minutes. It was agreed in the House committee that we should not increase the general staff corps. That was the general proposition, so far as the House committee was concerned, and if the House committee was the only body which recommends legislation, and the House of Representatives acted always upon the recommendation and advice of the House committee, then probably that contention could be carried out. But the gentleman must remember that there is another branch of Congress which has something to say about legislation, and while we did not secure that kind of legislation which meets with our entire approval, yet we tried to get as near to it as it is possible.

Now, there were four propositions for an increase in the staff corps. One proposition was for an increase in the corps of surgeons. The Senate receded from that. Another proposition was for an increase in the pay corps. The Senate receded from that. The other proposition was for an increase in the corps of civil engineers, and we agreed to an increase of only six numbers. Then there was another proposition, for an increase in the corps of naval constructors, and we agreed upon an increase of only six there. In other words, the House got a recession by the Senate as to the increase in the corps of surgeons, in the pay corps, and partially in the constructors' corps and partially in the number of civil engineers as proposed by the Senate.

Now, as to the the question of Hendersons Point. The gentleman from Virginia said here upon the floor that the River and Harbor Committee struck it out. It did. But the River and Harbor Committee has jurisdiction of rivers and harbors for commercial purposes, and not for naval purposes. It may be true that for commercial purposes it would not be necessary to take off Hendersons Point. When it comes to a question of the Navy and the use of the Portsmouth yard for naval purposes, will any any man dare stand upon the floor on that side of the House and say that it is not necessary, if we are to enjoy the full value and use of the great dock which we are building there at the Portsmouth Navy-Yard and all the equipment of that station? Does any gentleman say that?

Mr. FITZGERALD. Will the gentleman yield to me?

Mr. FOSS. Yes; I will yield to the gentleman.

Mr. FITZGERALD. Does the gentleman believe that we ought to expend a million dollars to build a dry dock where there is no water?

Mr. CLAYTON. It would be a very dry dock.

Mr. FITZGERALD. As it is proposed for naval vessels to go to. Does the gentleman think that we ought to have a navy-yard where there is no water? If so, why not have it inland?

Mr. FOSS. Congress established that navy-yard long before the gentleman from New York was born.

Mr. FITZGERALD. And the Secretary of the Navy reopened it after Congress had let it go to sleep for years, and the gentlemen of the committee encouraged it.

Mr. FOSS. We need that navy-yard for certain purposes. We need it for the repair and construction of our ships. We are building this dock there; and while in the past we have not been able to repair our larger ships by reason of the depth of water and current, yet in order to get the full benefit of that navy-yard we must remove this point. Now, upon that question I will yield three or five minutes to the gentleman from New Hampshire, in whose district this navy-yard is situated.

Mr. SULLOWAY. Mr. Speaker, I am amazed and astonished at the statement made here by the gentleman from New York in reference to the Portsmouth Navy-Yard. It is the oldest yard for ship building under the American flag. The English were building ships for the royal navy in that yard in 1690. It is the only yard under our flag from Eastport to the Rio Grande where you have a navy-yard with deep water. There is 60 feet of water at low tide there. And yet the gentleman from New York [Mr. FITZGERALD], living in a city where they have to dredge, and where the Government has paid millions and millions of dollars to plow out a channel so they can get in and out of the navy-yard, stands up here and says they have not got water enough down there to drink.

Now, gentlemen, I am not drawing on my imagination; I am stating what I know and what is the fact. The gentleman never

was at Portsmouth; he never knew anything about it. Talk about no water. Point me to a yard anywhere where you have got water except at Portsmouth. That channel is worn out of the solid granite rock like the channel below Niagara. It is swept by the waters of the ocean as they go in, and it is swept by the tide as it goes out. There never has to be any dredging there. As I said, there is a depth of 60 feet at low tide. That is the condition of things, and not only that, you are building there the best dry dock under our flag. Why? Because it is the only place where you can prudently get in one of the big battle ships. It is the largest one, has the deepest water, and it is not a Port Royal, where, if you get one battle ship in, you are continually waiting for an accident or an act of Providence to get it out. [Laughter.] It is a yard that you can get in and out of at all times. The largest ships that float can go in and out.

But here is Hendersons Point, that sticks out there like a wart on your nose or finger, and now the fact that the repairs on the great battle ships are going to be made there, although you can get them in and get them out, there is some danger from this wart, and the purpose is to knock it off.

Now, the gentleman from New York said they do not do any business at Portsmouth. With a single exception, it is the best-equipped yard we have, and only a few months ago the commandant said to me while I was looking it over that it was now in a condition, barring a few small tools, to build a battle ship from start to finish. Yet the gentleman from New York thinks there is not water enough there for a muskrat to swim in. [Laughter.]

Now, gentlemen, I do not want to take up time, but that is the condition of things; and if there ever was an appropriation that was prudent, if there ever was an appropriation that the public weal demanded, it is this appropriation for the Portsmouth Navy-Yard. [Applause.]

Mr. CLAYTON. May I ask the gentleman a question?

Mr. SULLOWAY. Certainly.

Mr. CLAYTON. I desire information. I have no personal interest either in Buttermilk Channel nor in the Portsmouth Harbor, but I desire to know what the necessity for this appropriation at Hendersons Point is if you have 60 feet of water at low tide?

Mr. SULLOWAY. I have once stated that here is a little point extending out into the channel.

Mr. CLAYTON. I have never been there and never seen it, and I do not understand the situation.

Mr. SULLOWAY. I understand the gentleman is acting in good faith. There is a little point extending out into the channel, and at times of course the current sweeps swiftly around there, and there is a possibility that a great battle ship might in some way be twisted onto this point. Prudence demands, and the Secretary of the Navy has recommended, as has everybody else that knows anything about it, that that point be removed.

Mr. RIXEY. I would like to ask the gentleman for information how far Hendersons Point is from the navy-yard.

Mr. SULLOWAY. I can not tell you; it is a little bit below, in the channel toward the ocean.

Mr. RIXEY. About how far from the yard?

Mr. SULLOWAY. About a half or three-quarters of a mile, some gentleman says. I have not the exact distance.

Mr. FOSS. I now yield three minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I merely want to get information on this question. I am and always have been opposed to one committee taking jurisdiction of a matter that belongs to another committee where they are not accustomed to investigate these matters. I see the chairman of the River and Harbor Committee is in his seat, and I would like to ask him whether his committee has investigated this question and reported favorably upon it.

Mr. BURTON. Mr. Speaker, I dislike to interfere in matters pertaining to any other committee, but I will state that the River and Harbor Committee has considered this proposed appropriation. It was especially considered very recently at the time of the conference between the House and the Senate upon the river and harbor bill. Provision was made in the Senate for the removal of this Hendersons Point, $200,000 in cash and $560,000 additional authorization. That led us to give careful consideration to this proposition. I must say we thought the expenditure would be injudicious and wasteful. In the first place, the necessity for the removal of this point does not exist except at certain stages of the tide. There is a considerable protected space for anchorage before you reach Hendersons Point, and except in very severe southeast winds a large battle ship or a ship of any size could go into this place for anchorage and tarry there until the tide was in such condition that it could safely go by the point.

Another thing: I consulted one leading officer of the Navy and several members of the Engineer Corps. The officer of the Navy stated it to be his opinion that even the proposed removal of the end of the point would not make passage by it easy at all times. It is a promontory of rock 70 feet in height. The removal is very difficult, and it is very probable that when this $760,000 has been expended a still further expenditure will have to be made.

Mr. SULLOWAY rose.

Mr. BURTON. I want to state one further point, and then I will yield to the gentleman. The Army engineer with whom I talked most on the subject was himself a native of New Hampshire, and he stated that from a commercial standpoint this proposed work would be a positive injury, because it would concentrate the tidal current in front of the wharves at Portsmouth, so that it would be much more difficult to dock vessels there. There is a very large tidal basin behind Portsmouth, farther up, and for that reason the tidal currents are very strong.

Mr. SULLOWAY. Was not $760,000 the estimate of the cost as made by the Army engineers?

[Here the hammer fell.]

Mr. FOSS. I yield to the gentleman from Ohio [Mr. BURTON] two minutes more.

Mr. BURTON. The estimate of the Army engineer was considerably more than $760,000.

Mr. SULLOWAY. Was that the estimate of anybody who had made a survey? Was not this work recommended by the Army engineers?

Mr. BURTON. One Army engineer recommended it because it was asked by the Navy Department, but he stated that it was of no commercial importance.

Mr. SULLOWAY. And you consulted somebody who did not make a survey.

Mr. BURTON. I consulted the engineer who had been in charge there and who seemed to know most about it.

Mr. SULLOWAY. Was that the man who made the recommendation?

Mr. BURTON. No.

Mr. SULLOWAY. And it was not the man who made the survey?

Mr. BURTON. No, sir. This opinion was adverse to it. I tried to consult those who I thought knew most about the matter.

I will state to the gentleman that the manner in which this figure is arrived at is by actually advertising for bids. Advertisement was made by the Navy Department, and this sum of $760,000 was the approximate amount of the lowest bid.

[Here the hammer fell.]

Mr. FOSS. I want to ask the gentleman from Ohio a question. Did he not look at this matter entirely from the standpoint of the commercial interest of the country?

Mr. BURTON. Not entirely. That statement was made as a preliminary one—that if this work should be done at all, it should be done by the Navy Department. It was a similar question to that which arose with reference to Karquines Straits, out in California, where a reason for an appropriation in the river and harbor bill was that the improvement would afford better access to Mare Island Navy-Yard. But there was a commercial use besides.

Mr. FOSS. Do I understand the gentleman to say that he considered this with reference to the good of the Navy and the future development of the yard, realizing the fact that we are building larger and larger battle ships—ships of larger tonnage, requiring greater draft? Did the gentleman view the question from that standpoint?

Mr. BURTON. I tried—and I think my colleagues also tried—to consider the whole subject. I understand that the *Texas* is there now. She has gotten by, and other boats could get by at a proper stage of the tide.

Mr. FOSS. The *Texas* is a third-class ship, one of the very first that we built. We are to consider the depth of water; and that these battle ships which we propose here will be among the largest battle ships in the world.

Mr. BURTON. If the gentleman will allow me, I will say that the question is not simply as to the depth of water required. Nor is it denied that at certain stages of the tide any ship can go by there. The object of this removal is to make the channel available for the passage of boats at all stages of water. I have already stated that in the anchorage grounds outside a boat can enter and remain until the proper stage of the tide.

Mr. DAYTON. Is it not a fact in view of the conformation of our seacoast that starting in the north the water is deeper, and the farther south you go the shallower it gets; and is not that true of both the Atlantic and the Pacific coasts? Is it not further true that these large battle ships provided for by this bill—ships of 16,000 tons can not be docked in more than two of the yards of this country—the yard at Portsmouth and the yard at Port Orchard on the Pacific coast?

Mr. BURTON. Well, there is no absolute rule in that respect, though generally speaking there is a greater depth of water in the northerly ports of the country, both on the Atlantic and the Pacific coast.

Mr. DAYTON. That being true, there is no question that

Portsmouth has the greater depth of water and is the most satisfactory place to dock and repair the largest vessels on the Atlantic coast. Has the gentleman any doubt about that?

Mr. BURTON. I should question that, partly because the water in Portsmouth harbor is at times very unquiet.

Mr. DAYTON. But is it not true that this point is dangerous to the navigation of these battle ships, if the yard there is to be used for naval purposes?

Mr. BURTON. I admit that there is danger at certain stages of the tide and when vessels are in the hands of unskillful pilots.

Mr. DAYTON. So that it is a danger even to skillful navigators, and it is a danger to any other class, at certain periods of time to attempt entrance into that yard. Now, under these circumstances, with millions of dollars appropriated for this navy-yard, does the gentleman think that we should abandon it, or should we make it a perfect yard?

Mr. BURTON. It would not be necessary, by any means, to abandon it. If the passage of boats is properly timed in going by there they can go by, and go by readily.

Mr. FITZGERALD. Mr. Speaker, I hope the report will be voted down.

Mr. FOSS. Mr. Speaker, I yield three minutes to the gentleman from New Hampshire.

Mr. SULLOWAY. Mr. Speaker, one word further. As I attempted to say in the little I said a moment ago, the difficulty there is in this strong current. That channel is worn out of the solid rock, as I said, by the coming in and going out of the tide. It is a wall on the side almost perpendicular. A ship could not get out of it without wings. There is no chance to get ashore, if it is in there, but a vast volume of water comes up through that channel and it has a strong current. Of course when the tide comes in it comes through violently and then it rushes out. Now, this proposition is a mere matter of protection. A great battle ship going in there or going out might, by the force of the water, be hurled against this point.

Mr. LIVINGSTON. Mr. Speaker, may I ask the gentleman a question?

Mr. SULLOWAY. Yes.

Mr. LIVINGSTON. I believe the gentleman said that the yard has been used since 1856?

Mr. SULLOWAY. The English were building ships for the royal navy there in 1690.

Mr. LIVINGSTON. Has there ever been a wreck on that point during that entire time; has a ship ever been dismantled during all that time?

Mr. SULLOWAY. I can not recite one now; but understand, they were different craft which were built in those days, smaller craft. The largest colliers go through there, but we have no battle ships of this kind.

Mr. FOSS. You have never had any large battle ships up there?

Mr. SULLOWAY. Never.

Mr. FOSS. Have they ever dared to go up there?

Mr. SULLOWAY. No.

Mr. FOSS. They have never dared to go by this point?

Mr. SULLOWAY. No.

Mr. FOSS. Now, Mr. Speaker, this proposition comes here with the strong recommendation of the Navy——

Mr. HAY. Will the gentleman tell me which Secretary of the Navy recommends it.

Mr. LIVINGSTON. Secretary Long or Secretary Moody?

Mr. FOSS. Secretary Long, in a letter which he sent to the committee on the 11th of January. It is a fact here that in consequence of this dangerous point, on account of the current, as has been stated by the gentleman from New Hampshire [Mr. SULLOWAY], it is impossible for our ships to get into that navy-yard, and it is not only impossible but it is a fact that the largest ships have not gone there.

I realize that the gentleman from Ohio [Mr. BURTON] may have examined this condition, but I think he did it more from the standpoint of chairman of the Committee on Rivers and Harbors, looking after the commercial necessities and needs of our various cities; but when it comes to a naval proposition; when it comes to a question of the utilization of our navy-yards and of that great dock which we are building; when it comes to the question that we are building up the American Navy and building up not only the best ships, but the largest ships, in order to maintain the honor of our flag in the face of the nations of the world, then I say to you that every member of this House ought to stand by the authority and the opinion of the Navy Department. [Applause.] Mr. Speaker, I move the previous question upon the adoption of the report.

The SPEAKER pro tempore. The gentleman from Illinois moves the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois to adopt the conference report.

Mr. TATE. Mr. Speaker, on this question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 74, answered "present" 15, not voting 145; as follows:

YEAS—117.

Alexander,	Dick,	Howell,	Ransdell, La.
Allen, Me	Dovener,	Irwin,	Ray, N. Y.
Ball, Del.	Draper,	Jack,	Reeves,
Barney,	Driscoll,	Johnson,	Roberts,
Bartholdt,	Eddy,	Jones, Wash.	Scott.
Beidler,	Esch,	Joy,	Shattuc,
Bingham,	Feely,	Knapp,	Showalter,
Blackburn,	Finley,	Kyle,	Smith, Iowa
Boutell,	Fletcher,	Lacey,	Smith, S. W.
Bowersock,	Foss,	Lawrence,	Southard,
Brick,	Foster, Vt.	Lessler,	Southwick,
Brown,	Gardner, Mich.	Littlefield,	Sperry,
Burk, Pa.	Gardner, N. J.	Long,	Stewart, N. J.
Burke, S. Dak.	Gibson,	McLachlan,	Stewart, N. Y.
Burleigh,	Gillet, N. Y.	Mahoney,	Sulloway,
Butler, Pa.	Gillett, Mass.	Marshall,	Sutherland,
Cannon,	Graff,	Martin,	Tawney,
Capron,	Graham,	Mercer,	Thomas, Iowa
Conner,	Greene, Mass.	Meyer, La.	Tirrell,
Conry,	Grosvenor,	Mondell,	Vreeland,
Coombs,	Grow,	Moody, N. C.	Wachter,
Cousins,	Hamilton,	Moody, Oreg.	Wadsworth,
Currier,	Haskins,	Morgan,	Warner,
Curtis,	Hedge,	Morrell,	Warnock,
Dahle,	Hemenway,	Nevin,	Watson,
Dalzell,	Henry, Conn.	Otjen,	Woods,
Davey, La.	Hepburn,	Overstreet,	Wright.
Davidson,	Hildebrant,	Palmer,	
Dayton,	Hill,	Patterson, Pa.	
Deemer,	Holliday,	Pearre,	

NAYS—74.

Allen, Ky.	Gill,	McCulloch,	Shafroth,
Ball, Tex.	Gordon,	McDermott,	Sims,
Bankhead,	Griggs,	Maynard,	Slayden,
Benton,	Hay,	Mickey,	Small,
Brantley,	Hooker,	Miers, Ind.	Snodgrass,
Breazeale,	Howard,	Moon,	Snook,
Brundidge,	Jackson, Kans.	Naphen,	Spight,
Burleson,	Kitchin, Claude	Neville,	Stark,
Burton,	Kitchin, Wm. W.	Norton,	Stephens, Tex.
Candler,	Kleberg,	Padgett,	Sulzer,
Clark,	Kluttz,	Pou,	Tate,
Clayton,	Lamb,	Randell, Tex.	Thompson,
Cochran,	Lanham,	Richardson, Ala.	Underwood,
Cowherd,	Lewis, Ga.	Richardson, Tenn.	Wiley,
Dinsmore,	Little,	Rixey,	Williams, Ill.
Fitzgerald,	Livingston,	Robinson, Ind.	Williams, Miss.
Fleming,	Loud,	Robinson, Nebr.	Zenor.
Flood,	McCall,	Ryan,	
Foster, Ill.	McClellan,	Shackleford,	

ANSWERED "PRESENT"—15.

Bartlett,	Evans,	Miller,	Sibley,
Burkett,	Jenkins,	Pierce,	Smith, H. C.
Cassingham,	Mann,	Powers, Me.	Vandiver.
Emerson,	Metcalf,	Rucker,	

NOT VOTING—145.

Acheson,	De Graffenreid,	Latimer,	Russell,
Adams,	Dougherty,	Lester,	Scarborough,
Adamson,	Douglas,	Lever,	Schirm,
Aplin,	Edwards,	Lewis, Pa.	Selby,
Babcock,	Elliott,	Lindsay,	Shallenberger,
Bates,	Foerderer,	Littauer,	Shelden,
Bell,	Fordney,	Lloyd,	Sheppard,
Bellamy,	Fowler,	Loudenslager,	Sherman,
Belmont,	Fox,	Lovering,	Skiles,
Bishop,	Gaines, Tenn.	McAndrews,	Smith, Ill.
Blakeney,	Gaines, W. Va.	McCleary,	Smith, Ky.
Boreing,	Gilbert,	McLain,	Smith, Wm. Alden
Bowie,	Glenn,	McRae,	Sparkman,
Bristow,	Goldfogle,	Maddox,	Steele,
Bromwell,	Gooch,	Mahon,	Stevens, Minn.
Broussard,	Green, Pa.	Minor,	Storm,
Brownlow,	Griffith,	Morris,	Swanson,
Bull,	Hall,	Moss,	Talbert,
Burgess,	Hanbury,	Mudd,	Tayler, Ohio
Burnett,	Haugen,	Mutchler,	Taylor, Ala.
Butler, Mo.	Heatwole,	Needham,	Thayer,
Calderhead,	Henry, Miss.	Newlands,	Thomas, N. C.
Caldwell,	Henry, Tex.	Olmsted,	Tompkins, N. Y.
Cassel,	Hitt,	Parker,	Tompkins, Ohio
Connell,	Hopkins,	Patterson, Tenn.	Tongue,
Cooney,	Hughes,	Payne,	Trimble,
Cooper, Tex.	Hull,	Perkins,	Van Voorhis,
Cooper, Wis.	Jackson, Md.	Powers, Mass.	Wanger,
Corliss,	Jett,	Prince,	Weeks,
Creamer,	Jones, Va.	Pugsley,	Wheeler,
Cromer,	Kahn,	Reeder,	White,
Crowley,	Kehoe,	Reid,	Wilson,
Crumpacker,	Kern,	Rhea, Va.	Wooten,
Cushman.	Ketcham,	Robb,	Young.
Darragh,	Knox,	Robertson, La.	
Davis, Fla.	Landis,	Rumple,	
De Armond,	Lassiter,	Ruppert,	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. WANGER with Mr. ADAMSON (excepting election cases).

Mr. DEEMER with Mr. MUTCHLER.

Until further notice:
Mr. MILLER with Mr. THOMAS of North Carolina (excepting election cases).
Mr. FORDNEY with Mr. BURGESS.
For balance of session:
Mr. ADAMS with Mr. RUCKER.
Mr. STEVENS of Minnesota with Mr. VANDIVER.
For this day:
Mr. PAYNE with Mr. BARTLETT.
Mr. HOPKINS with Mr. MCCULLOCH.
Mr. REEDER with Mr. SWANSON.
Mr. FOERDERER with Mr. RHEA of Virginia.
Mr. LITTAUER with Mr. DE ARMOND.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
For balance of day:
Mr. BLAKENEY with Mr. HALL.
Mr. BISHOP with Mr. BURKETT.
Mr. TAYLER of Ohio with Mr. BOWIE.
Mr. CALDERHEAD with Mr. GLENN.
Mr. HUGHES with Mr. LASSITER.
Mr. MORRIS with Mr. NEWLANDS.
Mr. DARRAGH with Mr. KERN.
Mr. MANN with Mr. GRIFFITH.
Mr. BRISTOW with Mr. PATTERSON of Tennessee.
On Navy bill:
Mr. MUDD with Mr. KEHOE.
On this vote:
Mr. MCCLEARY with Mr. LLOYD.
Mr. HEATWOLE with Mr. PUGSLEY.
For the balance of this day:
Mr. BABCOCK with Mr. LESTER.
Mr. HITT with Mr. DOUGHERTY.
Mr. SIBLEY with Mr. MADDOX.

Mr. BARTLETT. I desire to know if the gentleman from New York, Mr. PAYNE, is recorded as voting.

The SPEAKER pro tempore. He is not.

Mr. BARTLETT. That being so, I desire to recall my negative vote and to vote "present."

The result of the vote was announced as above recorded.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I ask the gentleman from Illinois to yield to me for a moment.

Mr. FOSS. I yield to my colleague.

Mr. CANNON. I present a conference report on the general deficiency bill, so that the report and statement may be printed.

The SPEAKER pro tempore. The report and statement will be printed in accordance with the rule.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 14, 15, 16, 17, 27, 28, 33, 36, 37, 71, 74, 75, 76, 77, 78, 79, 84, 95, and 96.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 25, 29, 30, 31, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 80, 83, 85, 86, 89, 92, 94, 97, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 118, 119, 121, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, and 135, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$53,770.13;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: After the word "three," in the last line of said amendment, insert the following: "for the procurement of like military stores to replace those so transferred:" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Governors Island, New York: For continuing the enlargement of Governors Island by construction of wharf, dredging, bulkhead, and filling, to continue available during the fiscal year 1903, $200,000."

And the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 424;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 432;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with amendments as follows: In lieu of the sum named in said amendment insert "$447,480;" and in line 5 of the matter inserted by said amendment, after the word "twenty-three," insert the following: ", except the judgment in favor of Samuel S. Gholson and Jonathan Miles, which has been vacated;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and Senate Document No. 425, part 2;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment, after the word "numbered," insert "430;" and the Senate agree to the same.

On the amendments of the Senate numbered 8, 9, 26, 34, 81, 82, 87, 88, 90, 91, 93, 99, and 116 the committee of conference have been unable to agree.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies for the fiscal year 1902 and prior years, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on said amendments, namely:

The Senate by its amendments added $3,623,738.38, of which sum it is recommended that the House agree to amendments appropriating in the aggregate $1,544,913.52, covering certain ascertained deficiencies, judgments of courts, and audited accounts certified to Congress since the passage of the bill by the House.

It is recommended in the accompanying conference report that the Senate recede from amendments appropriating $173,345.42; which amount includes—

$4,246 for a dictionary of construction and rules of the Spanish language;
$80,000 for the construction of a steel ferryboat to run between Ellis Island and the Battery, New York;
$8,524 for reimbursement to owners of the Belgian steamer *Ragner;*
$60,000 for construction of buildings at Governors Island, New York;
$5,000 for payment to the Alaska Commercial Company; and
$2,000 for Mount Ranier National Park.

The amendments (involving $1,905,479.44) on which the committee of conference have been unable to agree are as follows:

On No. 8, making an appropriation of $500,000 on account of the Pan-American Exposition (Buffalo);

On No. 9, making an appropriation of $160,000 on account of the South Carolina Interstate and West Indian Exposition;

On No. 23, appropriating $1,000,000 on account of the Territory of Hawaii, to pay in part the awards of the fire claims commission of that Territory;

On No. 34, appropriating $25,000 for the improvement of the Ohio River between Cairo and Mound City;

On Nos. 81 and 82, to pay certain parties for injuries incurred in the Capitol building, $1,000;

On Nos. 87 and 88, to pay Roland C. Nichols and Albert E. Rose $2,679.44 for services in Alaska as receiver and register, respectively;

On No. 90, appropriating $30,000 for fencing and for buffalo in the Yellowstone National Park;

On No. 91, appropriating $175,000 for survey of Indian reservations;

On No. 93, to pay Katie A. Nolan for services as clerk in the post-office at San Antonio, Tex., $800; and

On Nos. 99 and 116, appropriating $10,000 to pay Francis N. Thorpe for manuscript for a new edition of Charters and Constitutions, and striking out the appropriation of $1,000 proposed by the House for manuscript prepared by another person of said work.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I want to say to the members of the House that by the adoption of this report there is left in disagreement one question, that of building ships—where they shall be built, whether in the navy-yards or by private contract, or in both ways. Now, briefly, I desire to call the attention of the House to the situation as it stands to-day.

Mr. WILLIAM W. KITCHIN. Has the gentleman made a motion?

Mr. FOSS. I propose to make a motion.

Mr. WILLIAM W. KITCHIN. I desire to call the attention——

The SPEAKER pro tempore. The gentleman will submit a motion. There is nothing before the House unless he submits a motion.

Mr. WILLIAM W. KITCHIN. I want to be heard.

Mr. FOSS. The motion that I will make, Mr. Speaker, will be this: I move that the House recede from its disagreement to the Senate amendment numbered 91, and agree to the same with the amendment which I send to the Clerk's desk to be read.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House recede from its disagreement to Senate amendment numbered 91, and agree to the same with an amendment, which the Clerk will now report.

The Clerk read as follows:

That the House recede from its disagreement to amendment No. 91, and agree to the same with an amendment striking out said amendment and inserting in lieu thereof the following:

"That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,212,000 each; two first-class armored cruisers of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed

and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,659,000 each; two gunboats of about 1,000 tons trial displacement, to cost when built, exclusive of armament, not exceeding $382,000 each; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery, and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the six battle ships, armored cruisers, and gunboats provided for in this act shall be built by one contracting party.

"One battle ship or one armored cruiser herein provided for shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President from the bidding for such contracts that said vessel can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided. If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yards as he may designate: *Provided*, That the Secretary of the Navy shall build one of the vessels authorized by this act in such navy-yard as he may designate: *Provided further*, That the Secretary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

"The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of vessels provided for in this act, whether built in Government yards or by contract, and report thereon to Congress, at each session, the progress of work and cost thereof, including the inspection of all the material going into the construction of said vessels, and, upon the completion thereof, to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract."

Mr. FOSS. Now, Mr. Speaker, just a word for the information of members of the House.

Mr. WILLIAM W. KITCHIN. We will desire some time, I will say to the chairman of the Committee on Naval Affairs.

Mr. FOSS. I want to say to my friend that I do not think there is any necessity for general discussion of this proposition. We had it. We had it voluminously here when the bill was under consideration, and all I shall attempt to do will simply be to state the situation.

Mr. WILLIAM W. KITCHIN. I will say to my friend the very reason that this House has once decided upon this proposition is the very reason it appears to me we ought to have some discussion now, because your proposition changes what the House has already done. So I hope that you will yield to this side some time.

Mr. FOSS. Just a moment. The situation is this: The Committee on Naval Affairs brought into the House on the naval appropriation bill a provision to build six ships; and they recommended a provision to leave it in the discretion of the Secretary of the Navy to construct any or all of those ships in Government navy-yards, but made it mandatory on him to build one ship—that was a battle ship.

That was the recommendation of the committee to the House in the regular naval appropriation bill. When the bill came before the House in the Committee of the Whole the action of the Naval Committee was overruled, and the House inserted a provision requiring that one ship of each class—one battle ship, one armored cruiser, and one gunboat—should be built in the Government navy-yards, leaving it to the discretion of the Secretary to build the rest there if he saw fit so to do.

Now, that provision, put in by the Committee of the Whole, afterwards passed the House and went to the Senate, and the Senate struck out entirely the whole provision for building ships in the Government navy-yards.

Now, your conferees, in view of the action of the House, did not feel, in justice and fairness toward you, that they could incorporate any provision which they might agree upon in the report, and they have brought back this question in disagreement and ask for your action upon it.

If we had come here without any recommendation you, perhaps, would not know and you would ask us what would be our judgment. We have been struggling along with the Senate conferees and trying to get the provision of the House adopted, but we find that it is absolutely impossible. We agreed tacitly to present here this provision which the Clerk has just read and which is substantially the provision that was reported here by the Committee on Naval Affairs to the House in the naval appropriation bill.

Mr. RIXEY. Will the gentleman yield for a question?

Mr. FOSS. I can not now. This provision says that the Secretary of the Navy, in case he does not get reasonable prices for ships, shall have authority to build all Government ships in the Government navy-yards, and it says further to him that he must build one ship in the Government yard. That is put in there in order to test the question as to the cost of Government construction compared with the construction under private contracts.

But it is left to the Secretary of the Navy to say what that ship shall be—whether a battle ship, an armored cruiser, or a gunboat—and it is left with him to say in which yard that ship shall be built. Then, it is further provided—and I may say that that provision was offered here on the floor by the gentleman from Texas [Mr. BALL]—that in case there should seem to be any combination on the part of Government shipbuilders to prevent a free and fair competition for these contracts, then the Secretary of the Navy shall have these ships built in the Government navy-yards.

Now, that is the situation. We come here recommending you to adopt this provision. If that is adopted, we have every assurance that the Senate will concur in it, and that will pass the naval appropriation bill. [Applause.] Does the gentleman from North Carolina desire time?

Mr. WILLIAM W. KITCHIN. I do.

Mr. FOSS. Mr. Speaker, I will yield to the gentleman from North Carolina the same amount of time that I have consumed myself.

The SPEAKER pro tempore (Mr. DALZELL). That is six minutes.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, that is a very meager time to discuss this motion the gentleman from Illinois has made. A little over a month ago this House fought over all this matter, and the deliberate judgment of the House by a large majority was that the United States ought to build one-half of the ships authorized in the present naval bill in the shipyards of the Government. The bill went to the Senate, and the Senate has adopted an amendment striking that provision out.

The gentleman from Illinois practically occupies to-day the same position that he occupied more than a month ago. Personally he has not been in favor of the provision in the bill as it passed the House requiring one-half of the ships in the bill to be built in our navy-yards, and the gentleman has candor enough to tell us to-day that the conferees on the part of the House, who never were in favor of the House proposition, have already tacitly agreed with the conferees on the part of the Senate to adopt the motion that he now makes, which is not even so good a proposition for us who favor navy-yard construction as the proposition reported from the gentleman's committee, which itself was only about one-third as good as the one this House adopted.

Mr. MEYER of Louisiana. Will the gentleman allow me a question?

Mr. WILLIAM W. KITCHIN. Oh, I know what the gentleman is going to say. I meant the majority of the conferees.

Mr. MEYER of Louisiana. Then the gentleman did not allude to me as a member of the conferees?

Mr. WILLIAM W. KITCHIN. The gentleman from Louisiana was with us on the proposition for Government construction of one-half. I understood this tacit agreement was by all the conferees, but in this I am glad I was mistaken. But, Mr. Speaker, the material concessions in conference have been made to the Senate. They have given to the Senate, as I now recollect, every important item that the Senate contended for. They have given Charleston, S. C., $663,000 and Portsmouth, N. H., $749,000 that the Senate demanded. What has this House received in return for these magnificent concessions to the Senate? I hope, Mr. Speaker, this House will stand by its former action and will let a disagreement again be made, insist upon its proposition, and send the conferees back to impress upon the Senate conferees that the House is in earnest in this matter.

Mr. FINLEY. Will the gentleman allow me?

Mr. WILLIAM W. KITCHIN. I do not want to be interrupted.

Mr. FINLEY. I just want to say in regard to Charleston that the Government will there have a navy-yard where it ought to have one.

Mr. WILLIAM W. KITCHIN. Yes; at Charleston. I have no quarrel with my friend from South Carolina whose diligence and ability I cheerfully recognize and respect, but I emphasize the fact that on the Charleston item this House has surrendered to the Senate, as it did on the Portsmouth, N. H., item.

We have already encouraged the private shipbuilding concerns to the extent of $127,000,000 by Government contracts. There is to-day twice as much unfinished work for the Government in the private shipyards of this country as they have finished and delivered. They are now months and even years behind in the

construction of Government work. We have disputed the declaration that the Government can not build its ships as cheaply in Government yards as they can contract for them in private yards. Since this bill was passed by the House the corporation with which Mr. Lewis Nixon is connected has consolidated six shipbuilding plants of this country, according to my recollection, and has also brought into its control one of the great armor-plate factories. Does such a giant need Government encouragement for its existence? Now, at this day, will the House surrender to the private companies?

And then again, under this proposition of the gentleman from Illinois, the Secretary of the Navy can build one of these little gunboats, a 1,200-ton ship, instead of a battle ship or an armored cruiser. When this bill came from the House committee, before the House took charge of it, it contained a provision which required the building of either a battle ship or an armored cruiser in the Government yards. Then the House deliberately and after a full debate amended the bill and declared that the navy-yards should build at least one battle ship, one armored cruiser, and one gunboat. But now, under this motion if it should prevail, the Secretary of the Navy can build only one little gunboat in the Government navy-yards and satisfy its terms.

Another thing. The motion of the gentleman from Illinois leaves out the $175,000 appropriation which was deemed necessary to equip some of our navy-yards for building a battle ship or an armored cruiser if the Secretary of the Navy should so decide. I ask the gentleman whether I am right in that statement. Whether the $175,000 item to equip such yard as the Secretary might select for the building of a large ship has been left out?

Mr. FOSS. Yes; that item is left out, in view of the fact that we shall be here at the beginning of next December——

Mr. WILLIAM W. KITCHIN. I ask the gentleman whether it is not a fact that this item was omitted because the Secretary of the Navy will be authorized to build in the Government yards only one little gunboat, if he sees fit, if this motion prevails, and in that event this $175,000 item will not be needed.

Mr. FOSS. Oh, no; not at all——

Mr. WILLIAM W. KITCHIN. The gentleman did not so intend it, but the bill as reported from the Naval Committee to this House requiring one large ship to be constructed in the navy-yards contained this item. The bill as amended by the House requiring the construction in Government yards of two large ships and one gunboat contained this item. But the gentleman's motion, instead of requiring, as was provided by the House, that a battle ship, an armored cruiser, and a gunboat should be built in the navy-yards of the Government, or of requiring, as did the original reported bill, Government construction of one of the large ships, only requires Government construction of either a battle ship, a cruiser, or a little gunboat; and the item to which I have referred, providing an appropriation of $175,000 to fully equip Government yards for a big ship, is omitted from the gentleman's motion. This would indicate that if this motion prevails the Government yards will build only a little gunboat.

The SPEAKER. The gentleman's time has expired.

Mr. FOSS. I move the previous question.

Mr. ROBERTS. I hope the previous question will be voted down.

The previous question was ordered.

The question being taken on the motion of Mr. FOSS that the House recede from its disagreement to Senate amendment No. 91 and agree to the same with an amendment, there were—ayes 91, noes 64.

Mr. METCALF and Mr. WILLIAM W. KITCHIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 99, answered "present" 11, not voting 160; as follows:

YEAS—80.

Alexander,	Dick,	Hill,	Nevin,
Allen, Me.	Dovener,	Holliday,	Overstreet,
Bingham,	Draper,	Howell,	Palmer,
Boutell,	Eddy,	Irwin,	Patterson, Pa.
Bowersock,	Esch,	Jack,	Ray, N. Y.
Brick,	Foss,	Joy,	Scott,
Burk, Pa.	Foster, Vt.	Knapp,	Showalter,
Burleigh,	Gardner, Mich.	Kyle,	Smith, Ill.
Butler,	Gardner, N. J.	Lacey,	Smith, S. W.
Calderhead,	Gibson,	Lawrence,	Southard,
Cannon,	Gillett, Mass.	Littlefield,	Sperry,
Capron,	Graff,	Long,	Stewart, N. Y.
Conner,	Graham,	Loud,	Sulloway,
Cousins,	Grow,	McCall,	Tawney,
Currier,	Haskins,	Marshall,	Tirrell,
Curtis,	Haugen,	Mondell,	Warner,
Dahle,	Hedge,	Moody, N. C.	Warnock,
Dalzell,	Hemenway,	Moody, Oreg.	Watson,
Dayton,	Hepburn,	Morrell,	Woods,
Deemer,	Hildebrant,	Morris,	Wright.

NAYS—99.

Allen, Ky.	Foster, Ill.	Mercer,	Shafroth,
Ball, Tex.	Gill,	Metcalf,	Sims,
Bankhead,	Gordon,	Meyer, La.	Slayden,
Barney,	Griffith,	Miers, Ind.	Small,
Bartholdt,	Griggs,	Minor,	Smith, Iowa
Benton,	Grosvenor,	Moon,	Snodgrass,
Blackburn,	Hamilton,	Morgan,	Snook,
Bowie,	Hooker,	Naphen,	Southwick,
Brantley,	Howard,	Needham,	Spight,
Breazeale,	Johnson,	Otjen,	Stark,
Brown,	Jones, Wash.	Padgett,	Stephens, Tex.
Burleson,	Kitchin, Wm. W.	Pearre,	Stewart, N. J.
Burton,	Kleberg,	Pou,	Sulzer,
Candler,	Kluttz,	Pugsley,	Sutherland,
Cassingham,	Lamb,	Randell, Tex.	Tate,
Clark,	Lanham,	Ransdell, La.	Tayler, Ohio
Clayton,	Lessler,	Reeves,	Thomas, Iowa
Conry,	Lewis, Ga.	Richardson, Ala.	Thompson,
Coombs,	Little,	Richardson, Tenn.	Underwood,
Cowherd,	McClellan,	Rixey,	Wachter,
Cromer,	McDermott,	Roberts,	Wiley,
Davey, La.	McLachlan,	Robinson, Ind.	Williams, Ill.
Feely,	Mahoney,	Robinson, Nebr.	Williams, Miss.
Finley,	Martin,	Ryan,	Zenor.
Fitzgerald,	Maynard,	Shackleford,	

ANSWERED "PRESENT"—11.

Bartlett,	Evans,	Miller,	Smith, H. C.
Burkett,	Jenkins,	Pierce,	Wanger.
Emerson,	Mann,	Powers, Me.	

NOT VOTING—160.

Acheson,	Dinsmore,	Ketcham,	Robertson, La.
Adams,	Dougherty,	Kitchin, Claude	Rucker,
Adamson,	Douglas,	Knox,	Rumple,
Aplin,	Driscoll,	Landis,	Ruppert.
Babcock,	Edwards,	Lassiter,	Russell,
Ball, Del.	Elliott,	Latimer,	Scarborough,
Bates,	Fleming,	Lester,	Schirm,
Beidler,	Fletcher,	Lever,	Selby,
Bell,	Flood,	Lewis, Pa.	Shallenberger,
Bellamy,	Foerderer,	Lindsay,	Shattuc,
Belmont,	Fordney,	Littauer,	Shelden,
Bishop,	Fowler,	Livingston,	Sheppard,
Blakeney,	Fox,	Lloyd,	Sherman,
Boreing,	Gaines, Tenn.	Loudenslager,	Sibley,
Bristow,	Gaines, W. Va.	Lovering,	Skiles,
Bromwell,	Gilbert,	McAndrews,	Smith, Ky.
Broussard,	Gillet, N. Y.	McCleary,	Smith, Wm. Alden
Brownlow,	Glenn,	McCulloch,	Sparkman,
Brundidge,	Goldfogle,	McLain,	Steele,
Bull,	Gooch,	McRae,	Stevens, Minn.
Burgess,	Green, Pa.	Maddox,	Storm,
Burke, S. Dak.	Greene, Mass.	Mahon,	Swanson,
Burnett,	Hall,	Mickey,	Talbert,
Caldwell,	Hanbury,	Moss,	Taylor, Ala.
Cassel,	Hay,	Mudd,	Thayer,
Cochran,	Heatwole,	Mutchler,	Thomas, N. C
Connell,	Henry, Conn.	Neville,	Tompkins, N. Y.
Cooney,	Henry, Miss.	Newlands,	Tompkins, Ohio
Cooper, Tex.	Henry, Tex.	Norton.	Tongue,
Cooper, Wis.	Hitt,	Olmsted,	Trimble,
Corliss,	Hopkins,	Parker,	Vandiver,
Creamer,	Hughes,	Patterson, Tenn.	Van Voorhis,
Crowley,	Hull,	Payne,	Vreeland,
Crumpacker,	Jackson, Kans.	Perkins,	Wadsworth,
Cushman,	Jackson, Md.	Powers, Mass.	Weeks,
Darragh,	Jett,	Prince,	Wheeler,
Davidson,	Jones, Va.	Reeder,	White,
Davis, Fla.	Kahn,	Reid,	Wilson,
De Armond,	Kehoe,	Rhea, Va.	Wooten,
De Graffenreid,	Kern,	Robb,	Young.

So the motion was lost.

The following additional pairs were announced:

For the balance of the session:

Mr. GILLET of New York with Mr. CLAUDE KITCHIN.

For the balance of the day:

Mr. WADSWORTH with Mr. HAY.

For the vote:

Mr. BALL of Delaware with Mr. GLENN.

Mr. VREELAND with Mr. LLOYD.

Mr. BEIDLER with Mr. MUTCHLER.

Mr. HEATWOLE with Mr. NORTON.

Mr. FOWLER with Mr. GREEN of Pennsylvania.

Mr. DAVIDSON with Mr. DINSMORE.

Mr. MCCLEARY with Mr. BELL.

Mr. LEWIS of Pennsylvania with Mr. MICKEY.

The result of the vote was announced as above recorded.

Mr. Foss and Mr. FITZGERALD rose.

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FITZGERALD. The gentleman's motion having been defeated, does not the recognition go to the opposition?

The SPEAKER pro tempore. It does.

Mr. FITZGERALD. Then I ask to be recognized, and move that the House insist upon its disagreement and ask for a conference.

The SPEAKER pro tempore. Is the gentleman a member of the committee?

Mr. FITZGERALD. No.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I was rising to make that motion. I move that the House further insist upon its disagreement and ask for a conference.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina that the House further insist upon its disagreement to the Senate amendment and ask for a conference.

The motion was agreed to.

The following conferees were announced on the part of the House: Messrs. FOSS, TAYLER of Ohio, and MEYER of Louisiana.

BRANDING FOOD AND DAIRY PRODUCTS.

Mr. HEPBURN. Mr. Speaker, I call up the conference report upon the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced.

The SPEAKER. The gentleman from Iowa calls up a conference report. Does the gentleman desire both the report and the statement to be read?

Mr. HEPBURN. Both are very brief.

The SPEAKER. Both the statement and the report will be read.

The Clerk read the statement and the report, to be found in the proceedings of June 24, 1902.

Mr. HEPBURN. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The question was taken, and the report adopted.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

MILITIA.

Mr. GROSVENOR. I call up the following privileged report:

The Clerk read as follows:

The Committee on Rules, to whom was referred the accompanying resolution, have had the same under consideration, and recommend that the same be agreed to by the House.

Resolved, That for the remainder of this session the bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes, shall have the same privilege for consideration that is enjoyed by bills reported from committees under the power to report at any time; and said bill shall be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution agreed to.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

HOUSE RULE XXXIV.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House numbered 169, have had the same under consideration, and recommend the following in lieu thereof:

Resolved, That Rule XXXIV of the House be amended in section 1 by inserting after the words "law library," where they appear, the words "the resident commissioner to the United States from Porto Rico;" and also by striking out the words "Architect of the Capitol" and inserting in lieu thereof the words "Superintendent of the Capitol Building and Grounds."

Mr. DALZELL. Mr. Speaker, under the rules as they are now, the Architect of the Capitol has the right to the floor. There is no such officer since the last appropriation bill was passed in the last Congress changing the title to Superintendent of Capitol Building and Grounds, and the only purpose of that part of this rule is to make the rule correspond to the fact. So far as the other part is concerned, there is a Commissioner from Porto Rico who is sent here to look after the interests of Porto Rico and to communicate with members who are desirous of having information upon the interests of Porto Rico. It would seem only proper for him and certainly convenient for us to have him have the right to the floor.

Mr. SULZER. Mr. Speaker, as I understand it, this rule provides that the Superintendent of the Capitol and the Commissioner from Porto Rico shall have the privilege of the floor.

Mr. DALZELL. Yes.

Mr. SULZER. That is all?

Mr. DALZELL. Yes.

Mr. SLAYDEN. I want to ask if this gives to the Delegate from Porto Rico the same power of speech on the floor as is possessed by Territorial Delegates?

Mr. DALZELL. No; it does not.

The resolution was agreed to.

PAYMENT OF SESSION EMPLOYEES.

Mr. LOUD. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of a resolution from the Committee on Accounts, as the Chair understands, which resolution will be read by the Clerk.

The resolution was read, as follows:

Resolved, That a sufficient sum is hereby authorized to be paid by the Clerk of the House, out of the contingent fund of the House, as compensation to the session employees of the House of Representatives, from and including the 1st day of July, 1902, until the close of the present session of Congress, whose employment during the first session of the Fifty-seventh Congress was authorized by law, at the rates of compensation specified in the act authorizing their employment.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I should like to ask if this resolution has been unanimously reported by the committee.

Mr. LOUD. I will state that the resolution has not been reported.

Mr. RICHARDSON of Tennessee. Has it been considered by the committee at all?

Mr. LOUD. The resolution was handed to me. It was regarded impossible to get a meeting of the Committee on Accounts. I will state that this resolution simply provides for the payment of the session emyloyees beyond July 1. Where Congress has continued in session heretofore beyond the 1st of July, a joint resolution has been passed providing for this payment. As it is supposed that we may adjourn in a few days, it was suggested, after consultation with the chairman of the Committee on Appropriations, that we make this provision for these employees out of the contingent fund for the two or three days remaining. Otherwise they could not be paid.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

CHOCTAW AND CHICKASAW INDIANS.

Mr. CURTIS. Mr. Speaker, I call up the conference report on the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, and I ask unanimous consent that the statement of the House conferees be read in lieu of the report.

The SPEAKER. The gentleman from Kansas calls up the conference report on the bill H. R. 13172, and asks unanimous consent that the statement alone be read. Is there objection?

There was no objection.

The Clerk read the statement, which, together with the conference report, is printed in the RECORD of June 27.

Mr. CURTIS. I move the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

DUPLICATE CERTIFICATES OF DISCHARGE.

The SPEAKER laid before the House the bill (S. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge, with a Senate amendment thereto.

The Senate amendment was read.

Mr. CAPRON. I move that the House concur in the Senate amendment.

The motion was agreed to.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. JENKINS. I move that the House disagree to the amendments of the Senate and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana.

TAXES AND TAX SALES IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 11400) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898, with Senate amendments thereto.

The Senate amendments were read.

Mr. JENKINS. I move that the House concur in the Senate amendments.

The motion was agreed to.

WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

The SPEAKER laid before the House the bill (H. R. 12086) to extend the time for the construction of the East Washington Heights Traction Railroad Company, with Senate amendment, which was read.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the amendment of the Senate.

The motion was agreed to.

REPORTS OF THE SUPREME COURT.

The SPEAKER also laid before the House the bill (H. R. 5809) for the further distribution of reports of the Supreme Court, with Senate amendments, which were read.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent that the House agree to the Senate amendments to this bill.

The SPEAKER. The gentleman from New York asks unanimous consent that the House agree to the amendments of the Senate. Is there objection? [After a pause.] The Chair hears none.

FIRST REGIMENT OHIO VOLUNTEER LIGHT ARTILLERY.

The SPEAKER also laid before the House the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, with an amendment of the Senate, which was read.

Mr. DICK. Mr. Speaker, I move that the House nonconcur in the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Ohio moves to nonconcur in the Senate amendment and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees on the part of the House: Mr. CAPRON, Mr. DICK, and Mr. HAY.

JASON E. FREEMAN.

The SPEAKER laid before the House the bill (H. R. 7013) granting an increase of pension to Jason E. Freeman, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

RANSOM SIMMONS.

The SPEAKER laid before the House the bill (H. R. 12549) granting an increase of pension to Ransom Simmons, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

DESERT-LAND ENTRIES, YAKIMA COUNTY, WASH.

The SPEAKER. The Chair lays before the House the following Senate bill, substantially the same as a House bill, favorably reported by a committee of the House.

The Clerk read as follows:

A bill (S. 6091) extending the time for making final proof in desert-land entries in Yakima County, State of Washington.

Be it enacted, etc., That the time for making final proof on unperfected, uncontested, and uncanceled desert-land entries in Yakima County, Wash., be, and the same is hereby, extended for one year from the date of the passage of this act, but no other or additional expenditure shall be made than is now required by law.

Mr. JONES of Washington. I ask for the passage of the Senate bill.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JONES of Washington. Mr. Speaker, I ask that the House bill on the same subject be laid on the table.

The SPEAKER. Without objection, that will be done.

ORGANIZATION OF PRIVATE CORPORATIONS IN THE DISTRICT OF ALASKA.

The SPEAKER. The Chair lays before the House a Senate bill identical with a bill favorably reported to the House.

The Clerk read as follows:

A bill (S. 6139) providing for the organization of private corporations in the district of Alaska.

The Clerk proceeded to read the bill.

Mr. WARNER (during the reading). Mr. Speaker, in view of the fact that I propose an amendment to the bill, I ask unanimous consent that the further reading of the bill be dispensed with, in order to have the amendment read.

The SPEAKER. Is the amendment in the nature of a substitute?

Mr. WARNER. I move to amend the Senate bill by striking out all after the enacting clause and inserting in lieu thereof the following.

Mr. RICHARDSON of Tennessee. A point of order. I do not understand how this bill is claimed to be in order.

The SPEAKER. The Chair stated when he laid the bill before the House it is a Senate bill identical with one favorably reported by a committee of the House to the House, and not requiring to be considered in Committee of the Whole House on the state of the Union. The question is on the request of the gentleman from Illinois to dispense with the reading of this bill and to have read in lieu thereof a substitute which he proposes to offer.

Mr. RICHARDSON of Tennessee. If this is identical, why a substitute?

Mr. WARNER. The substitute has some additions to the original.

Mr. RICHARDSON of Tennessee. Then it is a different bill, Mr. Speaker.

The SPEAKER. The Chair will explain. The gentleman has the right to call up the bill. It is privileged clearly.

Mr. RICHARDSON of Tennessee. I understand.

The SPEAKER. The Chair further understands that the amendment to it differs from both bills, and the suggestion is to dispense with the reading of this bill, which is not the one to be considered ultimately, and have read the bill which is to be considered.

Mr. RICHARDSON of Tennessee. May I inquire what committee has reported this House bill?

Mr. WARNER. The Committee on Revision of the Laws reported the House bill.

Mr. RICHARDSON of Tennessee. Does the amendment proposed by the gentleman from Illinois in the way of a substitute bill make any appropriation of public money or public land?

Mr. WARNER. None whatever. It provides that the license money in municipalities in Alaska shall go to the municipalities for the support of municipal schools, lights, hospitals, and the like.

Mr. RICHARDSON of Tennessee. I submit that that would require consideration in the Committee of the Whole. And if so, is it not in order?

The SPEAKER. That may be in the amendment. The Chair can not decide that until it is before the House. Is there objection to the request to dispense with the reading of the bill?

Mr. SULZER. Reserving the right to object, I would like to ask if that is all that this bill does—give the license fees to the towns and villages in Alaska?

Mr. WARNER. That is all, with this exception. It will change the forms of pleading and practice in admiralty as now provided by the code, and restore the common-law pleading and practice in admiralty cases. Then, in addition to that, the only thing in which this amendment differs from the original bill is that it gives the license fees to the municipalities for municipal purposes.

Mr. SULZER. What else does the bill do?

Mr. WARNER. The other part of the bill gives authority to organize corporations in Alaska the same as anywhere. There is some difference in the phraseology, and it uses the word "director" instead of "trustee."

Mr. SULZER. I would like to inquire of the gentleman what he means by giving the people in Alaska the right to organize corporations the same as everywhere else.

Mr. WARNER. What do I mean? I mean that it authorizes the organization of private corporations in Alaska. Under the present law they can not be organized there—they can not take out certificates under the authority of the district. There is no law authorizing that, and you have to organize corporations elsewhere.

Mr. SULZER. It gives authority to organize under the law.

Mr. WARNER. It makes a law under which they can organize them in Alaska.

Mr. SULZER. What per cent of capital stock does it provide for?

Mr. WARNER. It provides that it shall all be paid up.

Mr. SULZER. Mr. Speaker, I reserve the right to object until after the amendment is read.

Mr. RICHARDSON of Tennessee. I made the point of order, Mr. Speaker, that the bill appropriates public money, and it is too important to hurry through here without any consideration.

The SPEAKER. The bill is in order now; what the amendment may require is another matter. But this amounts to an objection, and the Clerk will continue to read the bill.

The Clerk proceeded with the reading of the bill.

Mr. WARNER (interrupting the reading). Mr. Speaker, as it is getting quite late, I ask that the whole matter be postponed until Monday morning and then have the right of way immediately after the reading of the Journal; that the amendment may be printed in the RECORD, so that all can read it.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this matter may go over until Monday morning, to be considered as unfinished business, and that the amendment be printed in the RECORD. Is there objection?

Mr. RICHARDSON of Tennessee. Will we have the right to object to its consideration, Mr. Speaker?

The SPEAKER. Not to the consideration—that is privileged—but if any amendment is offered it will be open to objection.

Mr. RICHARDSON of Tennessee. Then I have no objection, Mr. Speaker.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. WARNER. My motion also included the request that the amendment be printed in the RECORD.

The SPEAKER. That will be done.

The following is the amendment submitted by Mr. WARNER:

Strike out all after the enacting clause and insert:

"That section 54 of chapter 5 of title 2 of an act entitled 'An act making further provision for a civil government for Alaska, and for other purposes,' approved June 6, 1900, be, and is hereby, amended so as to read as follows:

"'SEC. 54. All the forms of pleading heretofore existing in actions at law and suits in equity are abolished, and hereafter the forms of pleading in causes in law and equity in courts of record and the rules by which the sufficiency of such pleadings is to be determined shall be those prescribed by this code.'

"SEC. 2. That section 469 of chapter 45 of title 2 be amended so as to read as follows:

"'SEC. 469. In an action for the dissolution of the marriage contract the plaintiff therein must be an inhabitant of the district at the commencement of the action and for one year prior thereto, which residence shall be sufficient to give the court jurisdiction without regard to the place where the marriage was solemnized or the cause of action arose.'

"SEC. 3. That section 201 of chapter 21 of title 3 be amended so as to read as follows:

"'SEC. 201. The council shall have the following powers:

"'First. To provide suitable rules governing their own body and to elect one of their members president, who shall be ex officio mayor.

"'Second. To appoint, and at their pleasure remove, a clerk, treasurer, assessor, municipal attorney, police, and such other officers as they deem necessary.

"'Third. To make rules for all municipal elections, for the appointment of election officials, and to provide for their duties and powers, and to provide suitable penalties for violation of such election rules: *Provided*, That no officer shall be elected for a longer term than one year.

"'Fourth. By ordinance to provide for necessary street improvements, sidewalks, cross walks, and sewerage. The cost of all or any such improvements may be collected by assessment and levy against abutting property, which assessment shall be a lien upon all such property assessed: *Provided*, That a majority of such property holders consent, by petition or otherwise, to such improvements.

"'Fifth. By ordinance to provide for fire protection, water supply, lights, wharfage, maintenance of public schools, protection of public health, police protection, and the expenses of assessment and collection of taxes.

"'Sixth. By ordinance to provide for the assessment and collection of a poll tax on all male residents between the ages of 21 and 60 years, and to impose a fine and penalty for refusal, neglect, or failure to pay such tax: *Provided*, That all members in good standing of any regular organized volunteer fire company may be exempt.

"'Seventh. By ordinance to provide for taxing of dogs, and to provdie for impounding and destroying all dogs upon which such tax is not paid.

"'Eighth. By ordinance to provide for the assessment and levy of a general tax on real property, possessory rights, and improvements, and to impose a penalty for its nonpayment; and all such taxes shall be a preferred lien upon the property so taxed, which lien may be foreclosed and the property sold as provided by chapter 42, Civil Code of Procedure: *Provided*, That the council may exempt from taxation all public property belonging to the municipality and all church property used exclusively for public religious worship, to an amount not to exceed $2,500 in value for each denomination.

"'Ninth. By ordinance to provide for the assessment and levy of a tax on personal property and a penalty for its nonpayment, and to provide for the distraint and sale of sufficient goods and chattels belonging to the person charged with such tax to satisfy the same: *Provided*, That there shall be exempt from such assessment to each householder or head of a family household goods, of which such person is the bona fide owner, not exceeding $200 in value.

"'Tenth. By ordinance to impose such license tax on business conducted within the corporate limits as the council shall deem reasonable, and to provide for its collection by fine and penalty, as for violation of other ordinances: *Provided*, That the general exemptions provided for in chapter 31, Civil Code of Procedure for the district of Alaska, shall not apply to any tax lawfully levied against any property, as provided for in this chapter: *Provided further*, That no such property tax as herein provided for shall exceed 2 per cent on the assessed valuation of the property; and all assessments made by the corporation assessor shall be subject to review by the council, and appeals may be taken from their decision to the district court. No bonded indebtedness whatever shall be authorized for any purpose.

"'Eleventh. By ordinance to provide reasonable punishment for the violation of municipal ordinances by a fine not exceeding $200 or imprisonment in the municipal jail for a term not exceeding ninety days, or both, for each violation.

"'Twelfth. To provide for the election of a municipal magistrate who shall have power to hear and determine causes arising under the ordinances of such corporation, and to punish violations of such ordinances: *Provided*, That all sentences of imprisonment imposed by said municipal magistrate shall be served in the municipal jail without expense to the Government of the United States. All appeals to the district court from the judgments of such municipal magistrate shall be governed by the laws relating to appeals from the judgments of commissioners acting as justices of the peace. Such municipal magistrate shall receive a salary to be fixed by the council, and no fees or other compensation whatever; and all judgments imposed by said magistrate and collected shall be turned over to the treasurer of the corporation and applied to the use and benefit of the municipality as the council may direct.'

"SEC. 4. That section 203 of chapter 21 of title 3, as amended by the act approved March 3, 1901, be amended so as to read as follows:

"'SEC. 203. The treasurer of the corporation shall be ex officio treasurer of the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bond to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in the office of the clerk of the corporation, and he shall give such additional bond as the council or judge of the district court may from time to time direct, but in no event shall such bond be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, and of the clerk of the district court: *Provided*, That all license moneys provided for by act of Congress approved March 3, 1899, entitled, "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within the limits of any incorporated town, and collected by the clerk of the court, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of such corporation, to be used for municipal and school purposes in such proportions as the court may order, but not more than 50 per cent nor less than 25 per cent thereof shall be used for school purposes, the remainder thereof to be paid to the treasurer of the corporation for the support of the municipality, and the clerk of said court shall take said treasurer's receipt therefor, in triplicate, one of which receipts shall be forwarded to the Secretary of the Treasury, another to the Attorney-General, and the other shall be retained by the clerk: *Provided*, That 50 per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska.'

"SEC. 5. That title 3 of said act be amended as follows:

"'CHAPTER 37.

"'OF THE FORMATION OF PRIVATE CORPORATIONS.

"'SECTION 1. That three or more adult persons, bona fide residents of the district of Alaska, may form a corporation in the manner and subject to the limitations provided in this act, for the following purposes, to wit:

"'First. To construct, own, and operate railroads, tramways, street and passenger railways, wagon roads, and telegraph and telephone lines in Alaska.

"'Second. To acquire, hold, and operate mines in Alaska.

"'Third. To carry on the fishery industry in all its branches in Alaska and in the waters contiguous and adjacent thereto.

"'Fourth. To construct and operate smelters, electric and other power and lighting plants, docks, wharves, elevators, warehouses, and hotels in Alaska.

"'Fifth. To carry on trade, transportation, agriculture, lumbering, and manufacturing in Alaska.

"'All such corporations shall have the right to acquire and hold only such lands and other real estate as may be necessary to carry on the corporate business.

"'And the board of trustees of such corporation shall have the right to make and amend the necessary by-laws not inconsistent with law.

"'SEC. 2. That any three or more persons who may desire to form a corporation for one or more of the purposes specified in the preceding section shall make and subscribe written articles of incorporation in triplicate and acknowledge the same before any officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the secretary of the district of Alaska, and another in the office of the clerk of the district court of the recording division in which the principal place of business of the company is intended to be located, and retain the third in the possession of the corporation.

"'Said articles shall contain and state:

"'First. The name of the corporation, the nature and character of the business, and the principal place of transacting the same.

"'Second. The time of commencement and the period of continuance of said corporation, which shall not exceed twenty years.

"'Third. The amount of capital stock of said corporation, and how the same shall be paid in, and the par value of the shares.

"'Fourth. The highest amount of indebtedness or liability to which said corporation shall at any time be subject.

"'Fifth. The names and places of residence of the persons forming such corporation.

"'Sixth. The names of the first board of trustees, and in what officers or persons the government of the corporation and the management of the affairs shall be vested, and when the same are elected and their term of office.

"'Seventh. Said articles of incorporation may be amended when authorized by the vote of a majority of the stock given at a regular meeting of the stockholders. Such amended articles shall be executed and acknowledged by the board of directors, or a majority of them, and shall be filed and recorded in the same places and manner as the original articles.

"'SEC. 3. That a copy of any article of incorporation filed pursuant to this act, and certified by the clerk of the district court in which the same is filed, or one of his deputies, or by the secretary of the district of Alaska, shall be received as prima facie evidence of the facts therein stated.

"'SEC. 4. That when the articles of incorporation have been filed, the persons who have executed and acknowledged the same, and their successors, shall be a body corporate and politic in fact and in law under the name stated in the articles of incorporation, and by such corporate name shall have succession for the period limited in this act and shall have power—

"'(a) To sue and to be sued in any court having jurisdiction;

"'(b) To make and use a common seal, and alter the same at pleasure;

"'(c) To purchase, hold, mortgage, sell, and convey real and personal property, except stock in other corporations, subject to the limitation hereinbefore prescribed;

"'(d) To appoint such officers, agents, and servants as the business of the corporation shall require, to define their powers, prescribe their duties, and fix their compensation;

"'(e) To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no trustee shall be removed from office unless by a vote of two-thirds of the stockholders;

"'(f) To make by-laws not inconsistent with the laws of the district of Alaska and the laws and Constitution of the United States;

"'(g) To manage its property, regulate its affairs, transfer its stock, and to carry on all kinds of business within the objects and purposes of the corporation as expressed in the articles of incorporation.

"'SEC. 5. That all private corporations incorporated under the laws of the State of Oregon as applicable to the district of Alaska prior to the 6th day of June, A. D. 1900, be, and are hereby, authorized to hold, acquire, own, and possess real and personal property, and to exercise corporate right subject to the limitations of this act.

"'SEC. 6. That the corporate powers of the corporation shall be exercised by a board of not less than three trustees, who shall be stockholders in the corporation, a majority of whom shall be residents of the district of Alaska, who shall, before entering upon the duties of their office, severally take and subscribe an oath to faithfully perform their duties as such trustees, and who shall, after the expiration of the term of the trustees first elected, be annually elected by the stockholders at such time and place within the district of Alaska and upon such notice and in such manner as shall be directed by the by-laws or articles of incorporation of the corporation; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he may own or represent shares of stock, and the person or persons receiving a majority of the votes of all the shares of stock voting, a majority of the stock being represented, shall be trustee or trustees. Whenever any vacancy shall happen among the trustees, by death, resignation, or otherwise, except by removal and the election of a

successor, it shall be filled by appointment of the board of trustees for the unexpired term of such vacancy.

"'SEC. 7. That if it shall happen at any time that an election of trustees shall not be made on the day designated by the by-laws or articles of incorporation of the corporation, the corporation shall not for that reason be dissolved, but it shall be lawful on any other day after due notice, prescribed by the by-laws, to hold an election for trustees in such manner as shall be provided for in the by-laws or articles of the corporation, and all trustees duly elected shall hold their office until their successors are elected and qualified.

"'SEC. 8. That a majority of the whole number of the trustees shall form a quorum of the board of trustees for the transaction of business, and every decision of a majority of the persons duly assembled as a board shall be valid as a corporate act.

"'SEC. 9. That, except as otherwise provided in the articles of incorporation or by-laws of the corporation, the first and all subsequent meetings of the trustees shall be called by a notice signed by one or more persons named as trustees in the certificate, or their successors, setting forth the time and place of the meeting, which notice shall be delivered personally to each trustee if he resides in Alaska, and published at least twenty days in some newspaper at or nearest the principal place of business of the corporation and in the district of Alaska.

"'SEC. 10. That the stock of the corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the articles of incorporation or the by-laws of the corporation; but no transfer shall be valid except between the parties thereto until the same shall have been entered upon the books of the corporation so as to show the names of the parties, by and to whom transferred, the numbers and designation of the shares, and the date of transfer.

"'The stockholders of any corporation formed under this act may, in the by-laws or articles of the corporation, prescribe the times, manner, and amounts in which payments of the stock subscribed by them, respectively, shall be made; but in case the same shall not be so subscribed, the trustees shall have the power to demand and call in from the stockholders the sum or sums unpaid of the stock subscribed for or taken at such time, and in such manner, payments or installments, as they may deem proper. In all cases notice of each assessment shall be given to the stockholders personally or by registered letter and by publication in some newspaper at or nearest to the principal place of business of the corporation in the district of Alaska. If, after such notice has been given, any stockholder shall make default in the payment of assessments upon the shares held by him, so many of said shares may be sold as will be necessary for the payment of the assessments upon all shares held by him, her, or them at that time.

"'The sale of such shares shall be made as prescribed in the articles or by-laws of the corporation, but shall in no case be made at the office of the corporation. No sale shall be made except at public auction, to the highest bidder, after notice of four weeks, published as in the case of notice of assessment; and at such sale the person who shall pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares or portion of a share, as the case may be, shall be deemed the highest bidder: *Provided*, That after the delivery of the certificates of stock to the stockholders no call shall be made at any one time for more than 10 per cent of the par value of the stock, and that calls shall not be made oftener than once in thirty days, unless otherwise provided in the articles of incorporation.

"'SEC. 11. That whenever any stock is held by a person as executor, administrator, guardian, trustee, or in any other such representative capacity, he shall represent such stock at all meetings of the corporation, and may vote accordingly as a stockholder in person or by proxy.

"'SEC. 12. That any stockholder may pledge his stock by delivery of the certificate or other evidence of his interest, but may nevertheless represent the same at all meetings and vote as a stockholder.

"'SEC. 13. That it shall not be lawful for the trustees to make any dividend in new or additional stock, or to make any dividend, except from the net profits arising from the business of the corporation, or to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company, or to reduce the capital stock of the company unless in the manner prescribed in this act or in the articles or amended articles of incorporation or by-laws; and in case of any violation of the provisions of this section the trustees under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of directors at the time, or were not present when the same did happen, shall, in their individual or private capacities, be jointly or severally liable to the corporation and the creditors thereof, in event of its dissolution, to the full amount so divided or reduced or paid out: *Provided*, That this section shall not be construed to prevent a division and distribution of the capital stock of the corporation which shall remain after the payment of all its debts upon the dissolution of the corporation or the expiration of its charter.

"'SEC. 14. That no corporation shall issue any of its stock, except in consideration of money, labor, or property estimated at its true money value. Each and every stockholder shall be personally liable to the creditors of the company for the amount that remains unpaid upon the par value of such stock.

"'SEC. 15. That no person holding stock as an executor, administrator, guardian, or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the company; but the person pledging the stock shall be considered as holding the same and shall be liable as a stockholder, and the estate and funds of the owner of stock in the hands of an executor, administrator, guardian, or trustee holding the stock shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in the trust fund would have been if he or she had been living and competent to act and hold the stock in his or her name.

"'SEC. 16. That every corporation organized under this chapter shall, within one month after filing articles of incorporation, adopt a code of by-laws for its government, and shall have its principal office in the district of Alaska and keep in such office its general and principal books of account, including its stock books and record books, and its principal managing officer or superintendent shall reside within the district of Alaska. Every such corporation shall keep correct and complete books of account of its business, and a correct and complete record of all its proceedings, including such as relate to the election of its officers. Every such corporation shall also keep a book containing the names of its stockholders ever since its organization, showing the place of residence, amount of stock held, the amount paid on such stock, and time of transfer of stock. The books of every such corporation shall, at all reasonable times, be open to the inspection of stockholders.

"'SEC. 17. That any corporation created under this chapter may, subject to the provisions of the same, increase or diminish its capital stock to any amount within the limits fixed by the articles or amended articles of incorporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts or liabilities shall exceed the sum to which the capital stock is proposed to be diminished, such amount shall be satisfied and reduced so as not to exceed the diminished amount of capital stock.

"'SEC. 18. That whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders shall be called by a notice signed by at least a majority of the trustees and published at least eight weeks in some newspaper of general circulation published at or nearest the principal place of business of the company in the district of Alaska, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to raise or diminish the capital, and a vote of two-thirds of all the shares shall be necessary to increase or diminish the amount of capital stock.

"'If at any meeting so called a sufficient number of votes have been given in favor of increasing the amount of capital a certificate of the proceedings, showing a compliance with these provisions, the amount of the capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished shall be made out, signed, and verified by the affidavit of the presiding officer and secretary of the meeting, certified to by a majority of the trustees, and filed as articles of incorporation are required to be filed by section 2 of this act.

"'SEC. 19. That in like manner as provided in the preceding sections, and upon such additional notice as may be provided in the articles of incorporation or by-laws, any of the general provisions of the articles of incorporation may be amended and upon like vote, unless a different vote be required in the articles of incorporation; but such amended articles must be filed as prescribed in section 2 of this act.

"'SEC. 20. That every corporation of the district of Alaska shall, on or before the 1st day of September of each year, file in the office of the clerk of the district court of the recording division where its principal office is located a list containing the names of its principal officers, including the officers mentioned in subdivision 1 of section 46 of the Code of Civil Procedure for the district of Alaska, and whenever any such officers are changed or substituted shall, within thirty days after such change or substitution, file a notice thereof in like manner with such clerk.

"'SEC. 21. That any corporation organized under this act, when no other mode is specially provided, may, when its debts and liabilities are duly paid or secured, dissolve by a written resolution to that effect, at a meeting of the stockholders specially called for that purpose, by a vote of the owners of at least two-thirds of the stock of the corporation. One copy of such resolution, together with a certificate thereto attached signed by the president and secretary, or, if none, the corresponding officers, and sealed with the corporate seal, stating the facts that all the debts and liabilities of the corporation have been duly paid or secured, and the fact and date of the adoption of such resolution, and that such is a true copy of the original, the whole number of shares of stock, the shares of stock whose owners voted for its adoption, shall be filed as articles of incorporation are required to be filed under section 2 of this act. Thereupon the corporation shall cease to exist except for the winding up of its affairs.

"'SEC. 22. That all corporations whose terms of existence shall expire by their own limitations, or which shall be voluntarily dissolved in the manner provided in the preceding section, or which shall be dissolved by the judgment of court, shall nevertheless continue to be bodies corporate for three years thereafter for the purpose of prosecuting and defending actions, and for enabling them to settle up and close their business, pay their debts, dispose of and convey their property, and divide their capital stock, but for no other purpose; and when any corporation shall be so dissolved, the trustees or managers of the affairs of such corporation at the time of its dissolution, by whatever name they shall be known, shall, subject to the power of any court of competent jurisdiction to make in any case a different provision, continue to act as such during said term, and shall be deemed the legal administrators of such corporation, with full power to settle its affairs, pay its debts, sell or dispose of or convey all of its property, both real and personal, collect the outstanding debts, and, after paying the debts due and owing by such corporation at the time of its dissolution and the costs of such administration, divide the residue of the money and other property among the stockholders thereof.

"'SEC. 23. That the president, secretary, and treasurer of any corporation organized under the provisions of this act shall quarterly, under their signature and oaths, make out and publish for three successive weeks, in a newspaper of general circulation in the district of Alaska, a joint statement showing: First, the number of shares of capital stock outstanding; second, the amount paid in on each share of stock; third, the actual paid-up capital of the corporation; fourth, the just cash value of the property of the corporation and the character and nature of the same; fifth, the debts and liabilities of the corporation, for what the same were incurred; sixth, the salaries paid each and every officer, manager, and superintendent of the corporation during the last year, and seventh, the increase or decrease of the stock, the capital, and the liabilities of the corporation during the last quarter, and the grounds for such increase or decrease, if any.'"

CONFERENCE REPORT ON AMENDMENT TO CODE OF LAWS FOR THE DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I call up conference report on the bill S. 493, an act to amend an act entitled "An act to amend the laws for the District of Columbia," and I ask unanimous consent that the reading of the report be omitted and that the statement only be read.

The SPEAKER. The gentleman from Wisconsin calls up the conference report and asks that the reading of the report be omitted and that the statement only be read. Is there objection? [After a pause.] The Chair hears none.

[For conference report see House proceedings of June 27.]

The Clerk read the statement, as follows:

Statement of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia."

The first amendment provides for a reduction in the number of the justices of the peace from ten to six, instead of to four, as provided by the House, the reduction to take place as the present justices retire from office, either by death, resignation, or expiration of terms.

The second amendment provides for changes in the subdistricts to correspond with the reduction of the number of justices of the peace.

The third amendment leaves section 7 of the code as it is at the present time.

The fourth amendment provides that the nominations of justices of the peace shall continue to be confirmed by the Senate.

The fifth amendment is simply a change in legal phraseology.

The sixth amendment provides that the employees of the office of the

register of wills shall be restricted to the number actually necessary to the proper conduct of that office, and makes the compensation of this officer to correspond with that received by the register of deeds and the clerk of the supreme court of the District of Columbia.

The further amendments are simply verbal, or changes in the legal phraseology.

JOHN J. JENKINS,
SAML. W. SMITH,
W. S. COWHERD,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

GEORGE H. PAUL.

Mr. OTJEN. I ask unanimous consent for the present consideration of the bill which I send to the desk—Senate bill 1949.

The SPEAKER. This is one of those bills objected to yesterday and as to which the gentleman who objected has since stated that he withdrew his objection.

The bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to appoint George H. Paul to fill an original vacancy in the 100 warrant machinists in the Navy, authorized by section 14 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," notwithstanding he was about seven months beyond the age limit at the time of examination, he having passed the examination, near the top of the list, under a misapprehension as to the age limit, and having served twelve months at the Naval Academy and four years at sea in the Government service as an engineer.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. OTJEN, a motion to reconsider the last vote was laid on the table.

ARTURO R. CALVO.

Mr. SLAYDEN. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he hereby is, authorized to permit Arturo R. Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Arturo R. Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider last vote was laid on the table.

CONSULAR OFFICERS AS ADMINISTRATORS, ETC.

Mr. COUSINS. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 4762) to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State.

Be it enacted, etc., That no consular officer of the United States shall accept an appointment from any foreign state as administrator, guardian, or to any other office of trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities, without executing a bond, with security, to be approved by the Secretary of State, and in a penal sum to be fixed by him and in such form as he may prescribe, conditioned for the true and faithful performance of all his duties according to law and for the true and faithful accounting for, delivering, and paying over to the persons thereto entitled of all moneys, goods, effects, and other property which shall come to his hands or to the hands of any other person to his use as such administrator, guardian, or in other fiduciary capacity.

Said bond shall be deposited with the Secretary of the Treasury. In case of a breach of any such bond, any person injured by the failure of such officer faithfully to discharge the duties of his said trust according to law, may institute, in his own name and for his sole use, a suit upon said bond and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered.

SEC. 2. That every consular officer who accepts any appointment to any office of trust mentioned in the preceding section without first having complied with the provisions thereof by due execution of a bond as therein required, or who shall willfully fail or neglect to account for, pay over, and deliver any money, property, or effects so received to any person lawfully entitled thereto, after having been requested by the latter, his representative or agent so to do, shall be deemed guilty of embezzlement and shall be punishable by imprisonment for not more than five years and by a fine of not more than $5,000.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. COUSINS, a motion to reconsider the last vote was laid on the table.

ARANSAS HARBOR TERMINAL RAILWAY.

Mr. KLEBERG. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 15270) to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex."

Be it enacted, etc., That the act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.," approved May 4, 1896, is hereby reenacted, and section 5 of the said act is hereby amended to read as follows:

"SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from May 4, 1902."

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. KLEBERG, a motion to reconsider the last vote was laid on the table.

RELIEF OF SETTLERS ON WAGON-ROAD GRANTS.

Mr. MOODY of Oregon. I ask unanimous consent for the present consideration of the bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads.

The bill was read, as follows:

Be it enacted, etc., That the provision of the act of June 22, 1874, entitled "An act for the relief of settlers on railroad lands," and all acts amendatory thereof or supplementary thereto, including the act approved March 3, 1887, entitled "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," as modified or supplemented by the act approved March 2, 1896, entitled "An act to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes," shall apply to grants of land in aid of the construction of wagon roads.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. I should like to know something about this. It seems to be very sweeping legislation, covering a great deal of ground.

Mr. MOODY of Oregon. There is now on the statute books a law permitting railroad companies to exchange lands that have been erroneously patented to settlers for other lands within the limits of the grant, and it was thought that that act was broad enough to cover settlers on wagon-road grants, but the Secretary of the Interior holds that it is limited to settlers on railroad grants. He recommends that settlers upon wagon-road grants be accorded the benefits of settlers upon railroad grants, which we seek to do by this bill.

Mr. CANNON. There has been no grant for a wagon road within forty years. Are these old grants?

Mr. MOODY of Oregon. They are; they antedate the overlapping railroad grant. This bill simply permits an exchange where patents have been granted and the lands erroneously located by the settlers without fault upon their part.

Mr. MONDELL. I understand that the Secretary of the Interior has recommended the passage of this bill, and that it has been unanimously reported by the Committee on the Public Lands of this House.

Mr. MOODY of Oregon. Yes; that is true.

Mr. CANNON. How much land will probably be covered by the bill?

Mr. MOODY of Oregon. Only a few sections, because it is limited to the erroneously patented lands, which is but a small proportion of the grant.

If it is in order and permissible, I would like to have this report printed in the RECORD following my remarks:

[House Report No. 2243, Fifty-seventh Congress, first session.]

SETTLERS ON LANDS GRANTED IN AID OF THE CONSTRUCTION OF WAGON ROADS.

May 26, 1902, referred to the House Calendar and ordered to be printed.

Mr. MOODY of Oregon, from the Committee on the Public Lands, submitted the following report (to accompany H. R. 11573):

The Committee on the Public Lands, to whom was referred the bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads, having had the same under consideration, beg to submit the following report with the recommendation that the bill do pass.

There has never been any question in the minds of those posted upon the subject of the rights of settlers upon the public domain under the provisions and limitations of the laws relating to preemption and homesteading that the provisions for the relief of settlers upon lands granted to railroads, who without fault upon their part, and who in all respects were actual settlers, lost their right, should as well extend to settlers upon wagon roads aided by grants and in all respects like the grant-aided railroads. The justice in this bill is apparent upon the most cursory investigation of the subject.

There is appended hereto and made a part of this report a communication from the honorable Secretary of the Interior, who earnestly favors this bill. The suggestions made by him in his communication have been adopted, and the bill is fully in accord with his ideas of the matter.

The communication referred to follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1902.

SIR: Under your reference of the 31st ultimo, I have considered the bill (H. R. 10516) for the relief of settlers on lands granted in aid of the construction of wagon roads. I suggest that the bill be amended in line 5, after the word "lands" and before the word "shall," by the insertion of the words "and all acts amendatory thereof or supplementary thereto, including the act approved March 3, 1887, entitled 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes,' as modified or supplemented by the act approved March 2, 1896, entitled 'An act to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes.'"

The act of June 22, 1874, has been somewhat amended and supplemented by later legislation, notably the act of August 29, 1890 (26 Stat. L., 369), and settlers upon wagon-road grants, if accorded the benefits of settlers upon railroad grants, as I think they should be, should also be accorded the benefits of all the legislation upon the subject.

The act of March 3, 1887 (24 Stat. L., 553), is in terms applicable only to railroad land grants, but there is every reason why it should be equally extended to wagon-road grants. It was later modified or supplemented by the act of March 2, 1893. (29 Stat. L., 42.)

The amendment here suggested would have the effect of extending to wagon-road grants upon equal terms all of the general legislation relating to railroad land grants which has been enacted for the relief of settlers and bona fide purchasers, respectively.

I sincerely hope that this bill, with the amendments suggested, will receive the early and favorable consideration of Congress.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

THE CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

Mr. LACEY. This bill refers to an old wagon-road grant in the State of Oregon. The law for the relief of settlers along the Northern Pacific Railroad and other railroads will by this bill be extended to settlers who have by mistake taken lands covered by wagon-road grants.

Mr. CANNON. It allows them lands elsewhere, as I understand. The land covered will not amount to more than five or six thousand acres.

Mr. LACEY. Only five or six sections.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read the third time, and it was accordingly read the third time, and passed.

On motion of Mr. MOODY of Oregon, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT OF APPEALS AT MONTGOMERY, ALA.

Mr. WILEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

The Clerk read the bill at length, together with the amendments thereto.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection?

Mr. DAVEY of Louisiana. Mr. Speaker, I object.

Mr. WILEY. I would ask the gentleman to withhold his objection for a moment in order that I may make a statement.

Mr. DAVEY of Louisiana. I will withhold it for that purpose.

Mr. WILEY. Mr. Speaker, although the gentleman from Louisiana [Mr. DAVEY] informed me in advance that he would feel constrained to object to the present consideration of this meritorious bill, I indulged the hope, after the very full explanation I made to him and which I now make to the House, that he would withhold his objection.

This bill is in the interest of public justice and purposes to bring the court of appeals to the people instead of having litigants and their attorneys go a long distance and at great expense and inconvenience, to New Orleans, in attendance upon the court of appeals whenever held there, and there only. The present fifth circuit of the United States is composed of the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas. The court of appeals is held at New Orleans. This measure does not deprive the city of New Orleans of any right, privilege, or advantage which that hospitable city possesses.

It does not purpose to take away from the people of Louisiana any means or facility for the speedy dispatch of any law business in which the people of that city or State are interested in anywise or manner. It simply proposes to have the court of appeals hold one term a year in the city of Montgomery, the capital of Alabama, in order to hear and determine cases originating within the limits of that State.

Moreover, Mr. Speaker, there was an agreement entered into between the gentleman from Georgia [Mr. FLEMING], the gentleman from Texas [Mr. LANHAM], and myself, as the immediate Representative of the Montgomery district, that a bill providing for the holding of one term of the court of appeals at Atlanta in the month of October in each year, another bill providing for the holding of the term of said court at Fort Worth in the month of November in each year, and a third bill providing for the holding of one term of said court in the city of Montgomery in the month of September in each year, should be reported favorably from the Judiciary Committee (which has been done), and we were to use our best endeavors to have each and all of said bills pass this House at the present session, and as speedily as possible.

The bills establishing courts at Atlanta and Fort Worth have been permitted, without objection, to pass this House. The Speaker was cognizant of this agreement and kindly consented to recognize each of us in turn, in order for us, respectively, at the proper time to ask unanimous consent for the present consideration of each of these measures. Relying upon that agreement in perfect good faith I interposed no objection.

On yesterday, the 27th instant, the Speaker would have recognized me, and in the absence from the Chamber of the gentleman from Louisiana [Mr. DAVEY] this bill unquestionably would have passed the House and gone to the Senate for immediate action; but owing to objections interposed by the gentleman from Tennessee [Mr. MOON] to the present consideration of several measures the regular order was called, I failed to obtain recognition, and the matter went over until to-day.

I have acted in perfect good faith; and the objection now raised by the gentleman from Louisiana puts me to an unjust disadvantage. I submit I merit better treatment at his hands, and in the light of this candid statement I sincerely hope he will withdraw his objection, particularly as we are now in the closing hours of the present session, rendering it more than probable that the Senate would not have time to consider this bill if it passes the House; and therefore his customary courtesy and kindness to me, under the circumstances, would not likely be of any disadvantage to him, while it would relieve me from much embarrassment and take me out of the shadow of false position.

The fifth circuit as at present constituted is an immense territory—a vast domain—and it is not just or fair to litigants and their attorneys to compel them all to go to New Orleans to attend the court of appeals there, and not elsewhere. Montgomery is in the center of Alabama and the capital of the State. Nine different lines of railway concenter there. We have in our supreme court perhaps the finest law library in the South, in easy access to the Federal court room and judges.

This Congress voted an appropriation of $75,000 to enlarge the Government building to meet the exigencies of the public business. Not a single good or sufficient reason can be assigned by mortal man why this bill should not become a law. It is in accord with the genius of our institutions, with the spirit of our Constitution, which declares in substance that justice shall be administered without barter, sale, delay, or denial.

There is no conflict in the dates when these courts shall sit. These several courts thus sought to be authorized to be held were intended to accommodate the legal business of these three States, respectively; that is to say, the court to be held at Montgomery should only have jurisdiction to try causes arising in Alabama, the court to be held at Atlanta should only have jurisdiction to try causes arising in Georgia, while the court to be held at Fort Worth should only have jurisdiction to try causes arising in Texas.

The gentleman from New York [Mr. ALEXANDER], from the Committee on the Judiciary, submitted the following unanimous report, which accompanied this bill, and as it fully and clearly explains its purpose and beneficial operation, I will read the same:

The Committee on the Judiciary, to whom was referred the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year, have considered the same and report it back with the recommendation that it do pass as amended.

The bill provides that business arising in the State of Alabama shall be disposed of at a session of the court to be held at least once a year in Montgomery, Ala., instead of at the distant city of New Orleans. The theoretical advantage of the change thus made seems clearly apparent, and its practical advantage will no doubt be shown by experience.

The amendments recommended are as follows:

Amend by adding to section 2 the following:

"*Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing."

This amendment was deemed necessary so as to prevent any delays and similar embarrassments that might arise from a strict construction of the language of the original bill as to the time of hearing issues in said court.

Also amend by adding the following:

SEC. 5. That the clerk of said court is authorized and permitted to pay, out of the fees and emoluments of his office, first, the expenses incurred by him in transporting from his office in New Orleans, La., to Montgomery, Ala., and in transporting from Montgomery, Ala., to New Orleans, La., the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Montgomery, Ala.; second, an allowance for actual expenses, not exceeding $10 per day, to cover travel and subsistence for each day he may be required to be present at Montgomery, Ala., on business connected with said office, such expenses and allowance to be approved and allowed by the senior judge of the fifth judicial circuit.

This amendment fixes no orignal liability on the United States, but simply charges the expenses mentioned against the fees and emoluments of the office of clerk.

Now, I have laid my heart bare before the gentleman, and under the circumstances I beg him to withdraw his objection and let the bill be now considered. I only ask him to do unto me as he would like me to do unto him if our positions were reversed.

Mr. DAVEY of Louisiana. Mr. Speaker, had I been present yesterday, or had my colleague, General MEYER, of Louisiana, been present on the floor of the House, we would have objected to the consideration of the bill giving a similar privilege to Atlanta. Neither of us was present, and the bill went through. I went to the gentleman this morning and told him that I would be compelled, at the request of the Bar Association of New Orleans, to object to the consideration of this bill. I do so with regret, and at their request.

The SPEAKER. Objection is made.

CHANGE OF REFERENCE.

At the request of Mr. WILLIAMS of Mississippi, by unanimous consent, reference of the bill (S. 6232) for the relief of I. I. Barber was changed from the Committee on Private Land Claims to the Committee on Public Lands.

LEAVE TO PRINT.

By unanimous consent, Mr. THOMPSON was granted leave to print in the RECORD remarks on the bill (H. R. 14920) to establish a Soldiers' Home in Alabama.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6298. An act to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs—to the Committee on Ways and Means.

S. 4546. An act to provide certain souvenir medals for the benefit of the Washington Monument Association, of Alexandria, Va.—to the Committee on the Library.

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 3519. An act granting an increase of pension to John Marble;

H. R. 14182. An act granting an increase of pension to Susan B. Lynch;

H. R. 13598. An act granting a pension to John J. Southerland;

H. R. 9187. An act granting an increase of pension to Caroline A. Hammond;

H. R. 10856. An act granting a pension to Jacob Findley;

H. R. 12056. An act granting an increase of pension to Warren C. Plummer;

H. R. 14247. An act to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina;

H. R. 6005. An act granting a pension to James A. Chalfant;

H. R. 2978. An act for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

H. R. 10964. An act granting an increase of pension to Francis M. Beebe;

H. R. 9308. An act granting an increase of pension to Edwin P. Johnson;

H. R. 8327. An act to amend an act entitled "An act for the protection of the lives of miners in the Territories;

H. R. 12097. An act to amend the internal-revenue laws in regard to storekeepers and gaugers;

H. R. 11019. An act directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service;

H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;

H. J. Res. 103. A joint resolution relative to the disposition of patent specifications and drawings in the western district of Pennsylvania;

H. R. 3110. An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;

H. R. 6570. An act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps:

H. R. 2641. An act for the relief of Albion M. Christie;

H. R. 12804. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903; and

H. J. Res. 6. A joint resolution in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RUMPLE for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that when the House meet on Monday next it meet at 11 o'clock instead of 12.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House meet on Monday next it meet at 11 o'clock. Is there objection?

There was no objection.

Then, on motion of Mr. PAYNE (at 6 o'clock and 44 minutes), the House adjourned till Sunday, June 29, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting an answer to a resolution of the House relating to claim of St. Charles College, in Missouri—to the Committee on War Claims, and ordered to be printed.

A letter from the Doorkeeper of the House, transmitting an inventory of all furniture, etc., under his charge on this date—to the Committee on Accounts, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MINOR, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted a report (No. 2724); which said report was referred to the House Calendar.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13846) authorizing the county of Maricopa, Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage, and for other purposes, reported the same with amendments, accompanied by a report (No. 2727); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14899) to amend an act entitled "An act to incorporate The National Florence Crittenton Mission," reported the same with amendment, accompanied by a report (No. 2729); which said bill and report were referred to the House Calendar.

Mr. WARNER, from the Committee on Revision of the Laws, to which was referred the bill of the House (H. R. 15330) to provide for the organization of private corporations in the district of Alaska, reported the same without amendment, accompanied by a report (No. 2731); which said bill and report were referred to the House Calendar.

Mr. FOSTER of Vermont, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 8) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China, reported the same without amendment, accompanied by a report (No. 2732); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10738) for the relief of Commander Augustus G. Kellogg, retired, United States Navy, reported the same with amendment, accompanied by a report (No. 2725); which said bill and report were referred to the Private Calendar.

Mr. TAYLER of Ohio, from the Committee on Naval Affairs, to which was referred the joint resolution of the Senate (S. R. 123) for the relief of Naval Cadet William Victor Tomb, United States Navy, reported the same without amendment, accompanied by a report (No. 2726); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1471) for the relief of Henry G. Rogers, reported the same without amendment, accompanied by a report (No. 2728); which said bill and report were referred to the Private Calendar.

Mr. SNODGRASS, from the Committee on Military Affairs,

to which was referred the bill of the House (H. R. 13660) for the relief of Jackson Pryor, reported the same without amendment, accompanied by a report (No. 2730); which said bill and report were referred to the Private Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6232) for the relief of J. J. Barber, reported the same without amendment, accompanied by a report (No. 2733); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Private Land Claims was discharged from the consideration of the bill (S. 6232) for the relief of I. I. Barber, and the same was referred to the Committee on the Public Lands.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. FOSS: A bill (H. R. 15303) to establish the Melville Engineering Laboratory—to the Committee Naval Affairs.

By Mr. ROBINSON of Indiana: A bill (H. R. 15304) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Japanese and persons of Japanese descent—to the Committee on Foreign Affairs.

By Mr. WARNER, from the Committee on Revision of the Laws: A bill (H. R. 15330) to provide for the organization of private corporations in the district of Alaska—to the House Calendar.

By Mr. CURTIS: A resolution (H. Res. 322) for the consideration of S. 5956—to the Committee on Rules.

By Mr. BELL: A resolution (H. Res. 325) calling on the Secretary of War for information relative to the management of Government gardens and disposition of products—to the Committee on Military Affairs.

By Mr. DICK: A resolution (H. Res. 326) for the consideration of H. R. 11654—to the Committee on Rules.

By Mr. MEYER of Louisiana: A resolution of the general assembly of the State of Louisiana, favoring the early completion of the locks at Plaquemine, Iberville Parish, and Ouachita River, Louisiana—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 15305) granting a pension to Henry H. Tryon—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 15306) granting a pension to William B. Jenkins—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 15307) for the relief of the heirs of Henri de St. Roman—to the Committee on War Claims.

Also, a bill (H. R. 15308) for the relief of Emil L. Soulié—to the Committee on War Claims.

Also, a bill (H. R. 15309) for the relief of Marie Gondolfo—to the Committee on War Claims.

By Mr. EVANS: A bill (H. R. 15310) for the relief of Harriet Kyler—to the Committee on War Claims.

Also, a bill (H. R. 15311) for the relief of Andrew Shoenfelt for supplies furnished United States troops during the war of the rebellion—to the Committee on War Claims.

By Mr. FEELY: A bill (H. R. 15312) granting an increase of pension to John Oester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15313) granting an increase of pension to John T. Vance—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 15314) for the relief of Russell B. Merriam—to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 15315) granting a pension to Mary Robbins—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 15316) to authorize the Secretary of the Interior to indemnify the holders of preemption and homestead certificates and certificates of entry and patents upon lands in Oregon within the so-called The Dalles military road grant on account of failure of title, and to procure a relinquishment of the paramount title to the United States—to the Committee on the Public Lands.

By Mr. MORGAN: A bill (H. R. 15317) granting an increase of pension to Minerva A. Bing—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 15318) granting an increase of pension to Robert D. Davis—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 15319) granting a pension to Martha Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15320) granting a pension to Eliza Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15321) granting an increase of pension to Edward Blanchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15322) granting an increase of pension to William L. Coats—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15323) granting an increase of pension to Cynthia R. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15324) granting an increase of pension to William J. Burditt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15325) granting an increase of pension to John Pangratz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15326) granting an increase of pension to William H. Thurston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15327) granting an increase of pension to Charles Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15328) granting an increase of pension to Charlotte E. Lee—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A resolution (H. Res. 323) to pay Ralf Dent for services as page—to the Committee on Accounts.

By Mr. LASSITER: A resolution (H. Res. 324) referring House bills Nos. 996, 1006, 9119, 9121, and 9122 to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolution of the Israelite Alliance of America, of New York City, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. ALLEN of Kentucky: Petition of R. M. Field and others in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BEIDLER: Resolution of the Israelite Alliance of America, New York City, in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. BOWERSOCK: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. BRICK: Petition of P. M. Shore and 3 others, of Rochester, Ind., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. EVANS: Papers to accompany House bill 13851, granting an increase of pension to Samuel Smith—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Harriet Kyler—to the Committee on War Claims.

By Mr. FOSS: Papers to accompany bill for the relief of Russell B. Merriam—to the Committee on Claims.

By Mr. GOLDFOGLE: Resolutions of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. GIBSON: Papers of John C. Julian, of Knox County, Tenn., in relation to war claim—to the Committee on War Claims.

Also, paper to accompany House bill granting a pension to Mary Robbins—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Protest of the Second Corps of Cadets of the Massachusetts Volunteer Militia, of Salem, Mass., against the passage of House bill 11654—to the Committee on the Militia.

By Mr. GRIFFITH: Petition of druggists of Columbus, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of Louis Tepe and other druggists, of Evansville, Ind., favoring House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. IRWIN: Paper to accompany House bill 15169, granting an increase of pension to John Gordon—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15168, granting a pension to William M. Heaton—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15171, granting a pension to Joseph B. Slaughter—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15170, granting a pension to Timothy Owsley—to the Committee on Invalid Pensions.

By Mr. JACK: Petition of W. I. Moore and E. E. Wineman, of

Homer City, Pa., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KEHOE: Petition of Howard Jett and 3 other retail druggists of Cynthiana, Ky., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KERN: Petition of merchants of New Athens, Ill., protesting against the proposed post-check law—to the Committee on the Post-Office and Post-Roads.

By Mr. KITCHIN: Petitions of W. S. Allen and others, of Reidsville, and J. C. Simmons and others, of Graham, and Ewbanks Drug Company, of Chapel Hill, N. C., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LONG: Papers to accompany House bill 15230, granting a pension to Elizabeth A. Blanchard—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of citizens assembled in Faneuil Hall, Boston, Mass., June 26, 1902, praying that Apolinario Mabini, Emilio Aguinaldo, and other like representative Filipinos be permitted to come to the United States to submit their views and give information to the American Government within hearing of the American people—to the Committee on Insular Affairs.

Also, petition of retail druggists of Medford and Somerville, Mass., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Petitions of B. B. Grubb, of Oaktown; John D. Bell and other druggists, of Harrodsburg; R. E. Eveleigh and others, of Bloomfield, Ind., for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PALMER: Petition of Polish Political Club of Nanticoke, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petitions of T. J. Forrey, of Wawaka; H. M. Phillips and Mintzer, Weaver & Co., of Ashley; R. C. Cameron and J. D. Black, of Fremont, and A. R. Otis and three other druggists of Kendallville, Ind., in favor of the Joy bill the reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of Broadway Business Men's Association, North Jefferson Business Men's Association, and Cold Springs Business Men's Association, all of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Resolution of Israelite Alliance of America, asking relief from Russian hostile action against the Jews—to the Committee on Foreign Affairs.

By Mr. THOMAS of North Carolina: Papers to accompany House bill No. 13843, granting an increase of pension to O. D. Heald—to the Committee on Invalid Pensions.

By Mr. ZENOR: Petition of J. A. Graham, M. H. Dougherty, B. Doolittle, and 7 other druggists of Jeffersonville, Ind., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill No. 3007, for the relief of Richard F. Fuller—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *June 29, 1902.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Almighty God, our Heavenly Father, we lift up our hearts in gratitude to Thee for a deep, tender, sympathetic nature, which enables us not only to enter into the joys and sorrows of our fellows, but enables us to appreciate all that is truly noble and great in them, and we bless Thee for the beautiful custom which prevails in the American Congress which, at the death of a member, brings them together in a memorial service that they may tenderly and feelingly express their sense of loss and pronounce fitting eulogies and encomiums on his life and character.

We are here to-day, O Lord, feeling keenly the loss of two members of this House, who for their ability, strength of character, manly bearing, and distinguished services have left vacant chairs which can not be easily filled, and we truly mourn their loss. We bless Thee for the excellency of their lives, for their distinguished and efficient services to their country, for the worthy example they have left behind them as statesmen and patriots. And we thank Thee that their colleagues and associates will hold up to the world their characters in the light of truth as examples worthy of study and emulation. And we bless Thee that this day has been selected, since it is really the Lord's day—the day of the week on which the immortality of the soul was demonstrated and confirmed, which assures us that death is not an extinction of being, but an epoch—an event—in the grand eternal march of existence. Let Thy blessing be upon this service, and fit us all by the discipline of the now that we may enter upon the then fully prepared for whatever awaits us.

Comfort, we beseech Thee, the bereaved families with the blessed assurance of a never-ending reunion, where the angel of death never enters, where joy and peace eternal shall reign supreme, and glory and honor and praise be Thine through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EULOGIES ON THE LATE REPRESENTATIVE CUMMINGS.

Mr. McCLELLAN. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York offers the following resolutions, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended in order that an opportunity may be given for tributes to the memory of Hon. AMOS J. CUMMINGS, late a member of the House of Representatives from the State of New York.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. McCLELLAN. Mr. Speaker, I submit the following request for unanimous consent.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a resolution which the Clerk will now read to the House.

The Clerk read as follows:

Mr. McCLELLAN asks unanimous consent—

That all members be permitted to print remarks upon the life, character, and services of the late AMOS J. CUMMINGS;

That the report of the funeral services held in memory of the late AMOS J. CUMMINGS on the floor of the House May 4, 1902, be printed in the same volume with the report of these proceedings; and

That he be permitted to print as a part of his remarks the report of the memorial exercises held at Carnegie Music Hall, New York, on June 22, 1902, under the auspices of Typographical Union No. 6.

The SPEAKER. Is there objection?

There was no objection.

The resolutions were agreed to.

Mr. McCLELLAN. Mr. Speaker, the life of AMOS J. CUMMINGS was one of such intense interest, of such ceaseless activity and varied experience, his character was so many-sided, that in speaking of his life work one is almost overwhelmed by the wealth of material from which to choose. Printer and newspaper man, editor and man of letters, soldier of fortune and soldier for the Union, politician in the best sense of the word, and Representative in Congress for many years, there was scarcely a phase of human life and human sympathy with which he was unfamiliar. Always ready to sound the praises of others, always ready to recognize merit and worth in political enemies, CUMMINGS was one of the most modest men where he himself was concerned. A delightful companion, an inimitable story-teller, he used to describe the experiences of his life from the point of view of an onlooker, as though he himself had had no share in the stirring deeds in which he had taken part.

A filibuster under Walker in his last expedition to Nicaragua, CUMMINGS began a life of adventure at an age when most boys are still at school. On the outbreak of the civil war he enlisted in the Twenty-sixth New Jersey Volunteer Infantry, and came out as sergeant-major of the regiment. He fought at Antietam, Chancellorsville, and Fredericksburg. For his gallantry at Salem Heights, May 4, 1863, he received the Congressional medal of honor. He was justly proud of the knot of ribbon he wore in his buttonhole—the bit of ribbon of such small money value and of such immeasurable worth. The regiment was ordered to support a battery in resisting a Confederate charge. Such was the desperate gallantry of the Confederates that CUMMINGS's regiment broke and began to retire, leaving the battery in the hands of the enemy. Seizing the colors from the hands of the color-sergeant, who had been mortally wounded, CUMMINGS turned and, under a galling fire, ran back to the captured guns. The regiment halted, rallied around him, and the guns were recovered.

CUMMINGS became a compositor on the New York Tribune, and helped to save the Tribune office from the mob during the draft riots in 1863. Later on he became editor of the Weekly Tribune, and afterwards joined the staff of the New York Sun, subsequently becoming its managing editor.

In 1886 he was elected to the House of Representatives in the Fiftieth Congress. He declined a renomination on becoming